

Chapter 12

WATER

Article I. GENERAL PROVISIONS

Sec. 1. WATER DEPARTMENT

There is hereby established an executive department of the Village to be known as the “Public Works Department” and the President and Board of Trustees are hereby authorized to appoint a Superintendent of the Public Works 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 Village Board of said Village.

Sec. 2. TURNING ON

No water from the Village water supply shall be turned on for service into any premises by any person but the Water Superintendent or some person authorized by him to perform this service. An unauthorized water turn on shall result in a four hundred dollar (\$400.00) fine.

Sec. 3. APPLICATION - FEE

Application to have water turned on shall be made in writing to the Village of Downs Business Office stating the purpose for which the water is to be used, the location of the premises to be served, and shall contain an agreement by the applicant to abide by and accept all of the provisions of this Chapter as conditions governing the use of the Village water supply by the applicant.

Sec. 4. DEPOSIT

A deposit shall be made with each new construction application or new occupancy. A deposit shall be made for each service address by the occupant of the service address. This deposit is to be retained by the Village to insure payment of all bills. The amount of this deposit shall be determined by the Village Board (per Village of Downs fee schedule). When service to the service address is discontinued permanently by the deposit holder with notification to water billing, this deposit, less any amounts still due to the Village for water sewer and/or garbage service, shall be refunded without interest. With notification of service discontinuation water will be shut off.

Sec. 5. PLUMBING

No water shall be turned on for service in premises in which the plumbing is not operable, provided that water may be turned on for construction work in unfinished buildings, subject to the provisions of this Chapter.

Sec. 6. SERVICE CONNECTION - FEE

- a. No connections with a water main shall be made without a permit being issued and twenty-four (24) hours' notice having been given to the Water Superintendent. All such connections shall be made and all such work done at the sole expense of the applicant who shall also pay the expense of all materials necessary for such work; said connections shall be made and all such work shall be done by the Village and no connection shall be covered until the work has been inspected by the Water Superintendent.
- b. Applications for non-commercial connections must be made to the Village of Downs Business Office and an advance fee per the Village of Downs fee schedule based on if the premises has a stop box or not shall be paid to the Village of Downs Business Office at the time of making such application for each connection. This fee and connection includes a water meter that must be obtained from the Village of Downs. Upon completion of the connection and before the water is turned on, applicant shall pay to the Village of Downs Business Office any additional expense over and above said advanced fee for the actual cost of materials and labor or applicant shall be refunded any portion of said advanced fee that exceeds the actual cost of labor and materials for said connection.
- c. Any Commercial water user to be supplied water by the Village will be required to pay the Village a tap-on fee for all future water main taps, based on the costs, including historical costs, of extending and providing said water service, to be determined on a case-by-case basis by the Village Board of Trustees.

Sec. 7. TAMPERING

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 connection with or part of said water system, nor pile or place lumber, brick or building materials or other article, thing or hindrance whatsoever within twelve (12) feet of the same, or so as to in any manner, hinder, delay or obstruct the members of the Fire Department in reaching the same. It shall be unlawful for any person in any manner, to interfere with or obstruct the flow, retention, storage or authorized use of water in said water system, reservoir, or plant, or any part thereof, or to injure, deface, remove or displace any water main, hydrant, service pipe, water meter, shut-off box, public fountain, valve, engine or building connected with said water system or plant, or to cause, suffer or permit any of said things to be done.

Sec. 8. CROSS-CONNECTION CONTROL AND BACK FLOW PREVENTION

TO PROVIDE AN EFFECTIVE MEANS FOR PROTECTING THE PUBLIC WATER SYSTEM FROM CONTAMINATION DUE TO BACKFLOW OF CONTAMINANTS THROUGH THE CUSTOMER WATER SERVICE CONNECTION INTO THE PUBLIC WATER SYSTEM.

The Illinois plumbing Code, 77 Ill. Adm. Code 890 Subpart I, requires protection of the potable water system from contamination due to backflow or back-siphonage of contaminants through the water service connection; and the Illinois Pollution Control Board Regulations, 35 Ill. Adm. Code 607.104, et seq. requires an active program of cross-connection control which will prevent the contamination of all potable water supply systems; and in order to accomplish these goals it is necessary to introduce restrictions that describe in detail specific procedures and requirements for cross-connection control.

- a. That all plumbing installed within the Village of Downs, shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. That, if in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water 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 test made of such approved devices upon installation and as required by the Illinois Plumbing Code and local regulations.
- b. That no person, firm or corporation shall establish or permit to be established or maintain or 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 Downs enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connections and use of such supply shall have been approved by the Superintendent of Water and the Illinois Environmental Protection Agency.
- c. That it shall be the duty of the Superintendent of Water 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 Superintendent of Water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.
- d. That the approved cross-connections 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 Downs for the purpose of verifying the presence or absence of cross-connections, and that 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 Downs 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 Superintendent of Water 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 Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this ordinance.
- e. That the Superintendent of the Water of the Village of Downs 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 ordinance 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 ordinance, and until a reconnection fee per the Village of Downs fee schedule is paid to the Village of Downs. Immediate disconnection with verbal notice can be effected when the Superintendent of Water 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. Immediate disconnection without notice to any party can be affected to prevent actual or anticipated contamination or pollution of the public water supply, provided that in the reasonable opinion of the Superintendent of Water or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Public Water Supply, the Superintendent of Water, or its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination was with or without notice.

- f. That the consumer responsible for back-siphoned material or contamination through backflow 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, must bear the cost of clean-up of the potable water supply system.

I. Cross-Connection Control -- General Policy

- A. Purpose. The Purpose of these Rules and Regulations is:
 1. To protect water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.
 2. To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.
 3. To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.
- B. Application. These Rules and Regulations shall apply to all premises served by the public potable water supply system of the Village of Downs.
- C. Policy. The owner of official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the Superintendent of Water or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved

device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in Section 5D(4) below for a period of at least five years. The Superintendent of Water may require the consumer to submit a cross-connection inspection report to the Village of Downs to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

II. Definitions

- A. The following definitions shall apply in the interpretation and enforcement of these regulations:
1. "Fixed proper air gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.
 2. "Agency" means Illinois Environmental Protection Agency.
 3. "Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.
 4. "Auxiliary water system" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or stream, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.
 5. "Backflow" means the flow of water or other liquids, mixtures, or substances into the distribution pipes of potable water from any source other than the intended source of the potable water supply.
 6. "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.
 7. "Consumer" or "Customer" means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.
 8. "Consumer's water system" means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.
 9. "Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.
 10. "Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a

substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

- a. Direct cross-connection means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.
 - b. Indirect cross-connection means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.
11. "Double check valve assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.
 12. "Health hazard" means any condition, device or practice in water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.
 13. "Inspection" means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.
 14. "Non-potable water" means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 601 et seq.
 15. "Plumbing" means the actual installation, repair, maintenance, alteration or extension of plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work, or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.
 16. "Pollution" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.
 17. "Potable water" means water which meets the requirements of 35 Ill. Adm. Code 601 et seq. for drinking, culinary, and domestic purposes.
 18. "Potential Cross-Connection" means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.
 19. "Process fluid(s)" means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a

health, pollution, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

- a. polluted or contaminated waters;
 - b. process waters;
 - c. used waters origination from the public water supply system which may have deteriorated in sanitary quality;
 - d. cooling waters;
 - e. questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
 - f. chemicals in solution or suspension;
 - g. oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for fire-fighting purposes.
20. "Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".
21. "Reduced pressure principle backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.
22. "Service connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.
23. "Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within the customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.
24. "System hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or consumer's potable water system.
25. "Used water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

26. "Water purveyor" means the owner of official custodian of a public water system.

III. Water System

- A. The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.
- B. The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water up to the point where the consumer's water system begins.
- C. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.
- D. The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.
- E. The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

IV. Cross-Connection Prohibited

- A. Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.
- B. No physical connections shall be between the potable portion of a supply and any other water supply no of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.
- C. There shall be not arrangement or connection by which an unsafe substance may enter a supply.

V. Survey and Investigations

- A. The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.
- B. On request by the Superintendent of Water, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent of Water for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.
- C. It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow

into his or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with 225 ILCS 320/3(1).

D. It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

1. All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
2. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions. Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.

E. Testing and Records

1. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
2. Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with 415 ILCS 5/4.
3. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
4. A maintenance log shall be maintained and include:
 - a. Date of each test;
 - b. Name and approval number of person performing the test;
 - c. Test results;
 - d. Repairs or service required;
 - e. Repairs and date completed; and
 - f. Service performed and dated completed.

VI. Where Protection is Required

- A. An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent of Water, actual or potential hazards to the public water supply system exist.
- B. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:
 1. Premises have an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent of Water and the source is approved by the Illinois Environmental Protection Agency.
 2. Premises on which any substance is handled which can create an actual or potential

hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originations from the public water supply system which are no longer under the sanitary control of the Superintendent of Water.

3. Premises having internal cross-connections that, in the judgment of the Superintendent of Water and the Cross-Connection Control Device Inspector, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
 4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
 5. Premises having a repeated history of cross-connections being established or re-established.
- C. An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water determines that no actual or potential hazard to the public water supply system exist:
1. Hospitals, mortuaries, clinics, nursing home.
 2. Laboratories.
 3. Piers, docks, waterfront facilities.
 4. Sewage treatment plants, sewage pumping stations or storm water pumping stations.
 5. Food or beverage processing plants.
 6. Chemical plants.
 7. Metal plating industries.
 8. Petroleum processing or storage plants.
 9. Radioactive material processing plants or nuclear reactors.
 10. Car washes.
 11. Pesticide, or herbicide or extermination plants and trucks.
 12. Farm service and fertilizer plants and trucks.

VII. Type of Protection Required

- A. The type of protection required under Sections 6.1, 6.2, and 6.3 of these regulations shall depend on the degree of hazard which exists as follows:
1. An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
 2. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may

be contaminated with a substance that could cause a system or health hazard.

3. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.
- B. The type of protection required under Section 6.4 of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.
 - C. Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:
 1. the fire safety system contains antifreeze, fire retardant or other chemicals;
 2. water is pumped into the system from another source; or
 3. water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
 4. there is a connection whereby another source can be connected to the sprinkler system.
 - D. All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines as described in Plumbing Code, 77 Ill. Adm. Code 890.

VIII. Backflow Prevention Devices

- A. All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.
- B. Installation of approved devices shall be made in accordance with 35 Ill. Adm. Code 653.802, and only as specified by the research foundation for Cross-Connection Control of the University of Southern California or applicable industry specifications. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

IX. Inspection and Maintenance

- A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicated a need or are specified in manufacturer's instructions.
 1. Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or bypassed air gaps shall be made within 24 hours.

2. Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within fifteen (15) days.
 3. Reduced pressure principle backflow prevention devices shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.
- B. Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.
 - C. Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.
 - D. A maintenance log shall be maintained and include:
 1. Date of each test or visual inspection;
 2. Name and approval number of person performing the test or visual inspection;
 3. Test results;
 4. Repairs or servicing required;
 5. Repairs and date completed; and
 6. Servicing performed and date completed.
 - E. Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by Section 9A.
 - F. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent of Water.

X. Booster Pumps

- A. Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped by a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.
- B. It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent of Water, at least once a year, that the device is operable.

XI. Violations

- A. The Superintendent of Water shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Superintendent of Water, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent of Water, and the required reconnection fee is paid.
- C. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these Regulations to the satisfaction of the Superintendent of Utilities/Operations.
- D. Neither Village of Downs, the Superintendent of Water, or its agents or assigns shall be liable to any customers of the Village of Downs for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of water supply was with or without notice.
- E. The consumer responsible for back-siphoned 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 bypasses, must bear the cost of clean-up of the potable water supply system.
- F. Any person found to be violating any provision of these Rules and Regulations shall be served with written notice state 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 violation.
- G. Any person violating any of the provisions of these Rules and Regulations in addition to the fine provided, shall become liable to Village of Downs for any expense, loss or damage occasioned by Village of Downs by reason of such violations, whether the same was caused before or after notice.

XII. Effective Date

This ordinance shall take effect and be in force from and after the 6th day of December, 2001.

Sec. 9. VILLAGE NOT LIABLE

All connections and water supplied for hereunder, and all the water used hereunder, shall be upon the expressed condition that the Village of Downs 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 said system or plant, or any part or portion of said plant, or for any interruption of the supply by reason of the breakable of machinery, or by reason of stoppage, alterations, extensions or renewals.

Sec. 10. RESALE

No water consumer may supply water to other families or allow them to take it, except for use on the premises and for the purposes specified in the application, nor, after water is introduced into any building or upon any premises, shall any person make or employ any other person to make any tap, or connection with the work on the premises for alteration, repairs, extensions or attachments without a written permit therefore to be issued by the Water Superintendent. No water shall be resold by the recipient thereof from the Village supply.

Sec. 11. REPAIRS AND CLEANING

The Village reserves the right to shut-off at any time the mains for the purpose of repairing, cleaning, making connections with or extensions to the 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 concentration or restricted use of water as above.

Sec. 12. VIOLATIONS OR NONPAYMENT

For violation of any of the provisions of this water ordinance or for nonpayment of water bills, the Village reserves the right to turn off water without notice and, after the water has been turned off from any service pipe on account of nonpayment of water bills, or violation to the water ordinance, the same will not be turned on until all delinquent bills, penalties and recommended fees are paid, and no water will be furnished to any person who is indebted to the Village on account of water consumed, material or repairs.

Sec. 13. SEPARATE PIPES

No owner or plumber shall be permitted to connect water pipes into any two (2) 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 building to adjoining premises. Each unit/business/home shall have its own water line.

Sec. 14. WELLS

- A. When existing wells are out of use for more than thirty (30) days, go dry, or are contaminated, any household within the Village shall hook on to the Village Water System.
- B. It shall be illegal for anyone to drill a well within the Village unless approval by the Village Board.

Article II. WATER EMERGENCIES

Sec. 1. WATER RATIONING, CURTAILMENT OF USAGE AND WATER EMERGENCIES

The following water conservation measures and stages shall be in effect at the times as hereinafter provided. Whenever the President of the Village Board of Trustees, or the Village Board of Trustees, shall declare the necessity for a curtailment period or shall declare an emergency period, and shall give public notice of the same either by publication of such action in *The Pantagraph* or any other newspaper of general circulation within the Village of Downs, or, in the case of an emergency, by notice on the public radio station(s) generally serving the Village of Downs, it shall be unlawful for any person to violate such published restriction(s). Each day or portion thereof, during which the violation takes place shall constitute a separate offense.

A. Stage One - Voluntary Water Conservation

Voluntary water conservation shall be in effect whenever the President of the Village Board of Trustees, or the Village Board of Trustees, declares that the water supply or the capacity of the waterworks systems of the Village to deliver water is approaching levels at which water rationing will be required to preserve the ability of the Village to deliver a necessary amount of water to each user.

The procedure for implementation of Stage one shall be as follows:

1. The President of the Village Board of Trustees or a representative of the Village Board of Trustees designated by the Board, shall make public announcements in the news media, and shall publish notice in a newspaper of general circulation, as previously provided for in this Ordinance, that Stage One - Voluntary Water Conservation is in effect. The announcements will include a description of the provisions in effect.
2. All residents and other persons within the Village of Downs will be urged to conserve water in every way possible, in their homes and in the businesses.
3. People will be urged to avoid sprinkling their lawns and avoid watering gardens, shrubs, trees or plants needing water to avoid permanent damage, and then only at a rate not more often than every second day or not more than two hours per day.

B. Stage Two - Water Rationing

Water rationing will be in effect whenever total consumption of water from Village's water distribution system is deemed by the President of the Board of Trustees, or by the Board of Trustees, to be endangering the long-term capacity of the Village's waterworks system to deliver water in an amount necessary to provide each water user with a minimum necessary supply to permit general daily activities in both the homes and businesses located within the Village. Procedures for Stage Two shall be as follows:

1. The President of the Village Board of Trustees, or a representative of the Village Board of Trustees designated by the Board, will make public announcements through the news media concerning Stage Two – Water Rationing, whenever such water rationing is in effect. The announcement will include a description of the restrictions.
2. The restrictions shall include, but not be limited to the following:

- a. No person shall use water to sprinkle or irrigate lawns, shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation, or use water through a hose for any such purpose, except between the hours of 8:00 p.m. and midnight, or between the hours of 4:00 a.m. and 9:00 a.m. of any day on which sprinkling is permitted. Sprinkling shall be permitted on even-numbered calendar days at locations with even numbered addresses and on odd-numbered calendar days at locations with odd-numbered addresses. These restrictions shall apply to all residences and to all businesses and institutions having lawns, gardens, trees or shrubs, served by the Village's water system, and shall be followed at all parks and public buildings owned by the Village.
- b. No water shall be used from a hose to wash automobiles, nor shall any person wash an automobile with water from a bucket more often than once every seven (7) days and then only with a maximum of five (5) gallons of water in any one bucket or combination of buckets within said seven-day period.
- c. No Swimming pools or wading pools will be filled. Swimming pools and wading pools that were filled before Stage Two went into effect may have water added to make up losses through evaporation or splashing, but such water may not be added more often than once every three (3) days and only for a maximum of six (6) hour period during any such three (3) days. Water lost through draining or due to leaks in the pool may not be made up during Stage Two - Water Rationing.
- d. Other restrictions including limiting washing of sidewalks, driveways, porches, outside house walls, trucks, trailers, business equipment, machinery, and use of fountains may be adopted with the consent of the Board of Trustees.

C. Stage Three - Severe Water Rationing

Severe water rationing will be in effect whenever total consumption of water from the Village's water distribution system is deemed by the President of the Board of Trustees, or by the Board of Trustees, to be endangering the capacity of the Village's waterworks system to deliver water in necessary minimum amounts to its users to permit each user to maintain a minimum level of water use as may be required to assure healthful living on a daily basis and the maintenance of water reserves deemed adequate for fire protection and other safety requirements.

- 1. The President of the Village Board of Trustees, or a representative of the Village Board of Trustees designated by the Board, will make public announcements through the news media concerning Stage Three – Severe Water Rationing, whenever such water rationing is in effect. The announcement will include a description of the restrictions.
- 2. The restrictions shall include, but not be limited to the following:
 - a. No person shall use water to sprinkle or irrigate lawns, shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation, or use water through a hose for any such purpose, except between the hours of 8:00 p.m. and midnight, or between the hours of 4:00 a.m. and 9:00 a.m. of any day on

which sprinkling is permitted. Sprinkling shall be permitted on Mondays at all locations having even-numbered addresses and on Thursdays at locations with odd-numbered addresses. These restrictions shall apply to all residences and to all businesses and institutions having lawns, gardens, trees or shrubs, served by the Village's water system, and shall be followed at all parks and public buildings owned by the Village.

- b. No water shall be used from a hose to wash automobiles, nor shall any person wash an automobile with water from a bucket more often than once every four (4) weeks and then only with a maximum of five (5) gallons of water in any one bucket or combination of buckets within said four-week period.
- c. No swimming pools or wading pools will be filled and no water shall be added to any swimming pool or wading pool.
- d. Such other measures as the Village Board of Trustees shall approve by adoption of the same at any regular meeting or special meeting duly called and held, which measures shall include, but not be limited to, those measures listed in subsection b.(2)(d) above.

D. Stage Four - Emergency Water Rationing

Emergency water rationing shall be in effect whenever restrictions beyond Stage Three - Severe Water Rationing are deemed necessary by the President of the Village Board of Trustees or by the Village Board of Trustees, so that no water customer inside the Village limits will be entirely without water. The President of the Village Board of Trustees, or the Village Board of Trustees, shall impose Stage Four - Emergency Water Rationing when in their opinion, such restrictions are required under the terms of this Ordinance, provided that the Village Board of Trustees shall consider the action of the President of the Board of Trustees, if such officer is the one who makes the determination prior to a meeting of the Village Board of Trustees, at the next meeting at which the matter may be considered, and the Village Board of Trustees may continue the Stage Four - Emergency Water Rationing in effect, continue it in effect with changes, whether such changes be more restrictive or less restrictive than those imposed under this Ordinance as set forth for Stage Four - Emergency Water Rationing, or the Village Board of Trustees may discontinue Stage Four.

- 1. The President of the Village Board of Trustees, or a representative of the Village Board of Trustees designated by the Board, will make public announcements through the news media concerning Stage Four - Emergency Water Rationing, whenever such water rationing is in effect. The announcement will include a description of the restrictions.
- 2. The restrictions shall include, but not be limited to the following:
 - a. No person shall use water to sprinkle or irrigate lawns, shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation, or use water through a hose for any such purpose. These restrictions shall apply to all residences and to all residences and to all businesses and institutions having lawns, gardens, trees or shrubs, served by the Village's water system, and shall be followed at all parks and public buildings owned by the Village.
 - b. No water shall be used to wash automobiles, trucks or any other vehicles or machinery.

- c. No swimming pools or wading pools will be filled and no water shall be added to any swimming pool or wading pool.
- d. Such other measures as the Village Board of Trustees shall approve by adoption of the same at any regular meeting or special meeting duly called and held.

It is the policy of the Village to keep Stage Four - Emergency Water Rationing in effect for no longer than deemed absolutely necessary. The President of the Village Board of Trustees and the Village Board of Trustees shall take steps to lift the Stage Four as soon as lifting such restrictions will not result in any water user inside the Village's limits being unable to be assured of continuous supply of water necessary to meet minimum requirements to maintain health and safety of the residents of the Village.

Sec. 2. REPORTING/MEETING RESPONSIBILITIES

The Superintendent of the Water Department shall make reports to the President of the Village Board of Trustees at least daily while Stage Four - Emergency Water Rationing is in effect, and at least twice weekly while Stage Three - Severe Water Rationing is in effect, and at least weekly while Stage Two - Water Rationing or Stage One - Water Conservation measures are in effect. While Stage Four - Emergency Water Rationing is in effect, the Village Board will convene at least weekly to review the reports and consider any changes that may be desirable and the regulations and restrictions set forth in this Ordinance. Every effort will be made to disseminate explanations and information to the water customers of the Village on a timely basis regarding the water supply situation as it is monitored by the Village Board of Trustees and the President of the Village Board of Trustees.

Sec. 3. VIOLATIONS AND PENALTIES

A. Responsibility for Ordinance Violations

Any person alleged to have violated the provisions of this Ordinance may not be convicted of violation of this Ordinance unless such person in fact turned on water, directed the turning on of water, or kept water turned on after learning it was turned on in violation of this Ordinance, or failed to turn off automatic devices capable of turning on water in violation of this Ordinance. It will not be necessary, however, to present a witness who saw the accused turning on the water, if the circumstances indicate the accused did turn on the water, or directed the turning on of water, or kept the water turned on after being reasonably notified of the water restriction provisions then in effect.

B. Penalties

1. Any person, firm or corporation violating any provision of this Ordinance shall be fined as designated in accordance to Chapter 1, Article 1, Section 3D. Any person, firm or corporation continuing to violate any provision of this ordinance after having been warned or charged with a first ordinance violation shall be deemed to have provided sufficient cause or justification for the Village to turn off the water to said customer, which water shall not be turned on again until all penalties have been paid together with the expense of turning off and on the service to such customer as provided for under this chapter.
2. In addition to the amount due under the water rates in effect for water consumed, a surcharge may be provided for by the Village Board of Trustees upon the determination of

maximum amounts of gallons of water per day that may be provided to each customer, based on the number of individuals within a residence, or the number of individuals in living units located within a multiple family dwelling served by one meter, or maximum amounts that may be provided daily to businesses and industries located within the Village.

3. In addition to the aforesaid fines and surcharges, the Village reserves the right to discontinue service to any customer for violation of these water rationing regulations. A first violation will be deemed a warning; second and subsequent violations will be deemed justification to disconnect the customer's water service from the Village's distribution system.

Article III. SERVICE PIPES

Sec. 1. APPLICATIONS

Persons or corporations desiring to use Village water for building or construction purposes, shall make application therefore in writing and file the same in the Village of Downs Business Office on a form provided for that purpose. Upon a permit being granted (permits shall be signed by the Superintendent of the Waterworks and issued in writing by Village of Downs Clerk) 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 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. Charge for the use and connecting of meters shall be as prescribed hereafter by the President and Board of Trustees of the Village. In the event the Village Board does not require the installation of a water meter, then a flat rate will be charged as prescribed by the Village Board.

Sec. 2. PIPES

No service shall be installed unless it conforms to specifications drawn up by the Village Board and approved thereby, a copy of which specification shall be kept on file by the Clerk and shall be open to inspection by any person interested.

Sec. 3. REPAIRS

All repairs for service pipes and plumbing systems of buildings shall be made by and at the expense of the owners of the premises served. The Village may, in case of an emergency, repair any service pipes and if this is done, the cost of such repair work shall be repaid to the Village by the owner of the premises served.

Sec. 4. EXCAVATIONS

Excavations for installing service pipes 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 drain pipe or sewer pipe.

Sec. 5. SHUT-OFF BOXES

Shut-off boxes or service boxes shall be placed on every service pipe, and shall be located between the curb line and the sidewalk line where this is practicable. Such boxes shall be located that they are easily accessible and shall be protected from frost.

Sec. 6. PENALTY

Any person, firm or corporation violating any provision of this article shall be fined as designated in accordance to Chapter 1, Article 1, Section 3D.

Article IV. WATER USE/RATES

Sec. 1. BASIC FOR WATER SERVICE CHARGES

The water service charge for the use of and for service supplied by the water facilities of the Village of Downs shall consist of a basic user charge, a debt service charge, & a capital improvement charge.

Sec. 2. BASIC USER CHARGE

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.

The basic user charge shall be computed as follows:

- a. Estimate the annual water volume.
- b. Estimate the projected annual revenue required to operate and maintain the water facilities, including a replacement fund for the year, for all works categories.
- c. Compute costs per 1,000 gallons.

Sec. 3. DEBT SERVICE CHARGE

The debt service charge is computed by apportioning the annual debt service as a fixed charge per billing period.

Sec. 4. CAPITAL IMPROVEMENT CHARGE

The capital improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the water works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a fixed charge per billing period.

Sec. 5. RATE REVIEW

The adequacy of the water service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village of Downs 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.

Sec. 6. 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 1000 gallons.

- A. If the person procures any part, or all, of his water from sources other than the Public Waterworks System, the person shall install and maintain, at his expense, water meters of a type approved by the Village of Downs for the purpose of determining the volume of water obtained from these other sources.
- B. Devices for measuring the volume of water may be required by the Village of Downs if these volumes cannot otherwise be determined from the metered water consumption records.
- C. 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

anceled, without the consent of the Village of Downs.

Sec. 7. BASIC USER CHARGE

There shall be and there is hereby established a basic user charge of \$___ per 1,000 gallons for the 1st 3000 gallons and \$___ per 1,000 gallons thereafter of metered water consumption to be applied to all users to recover O, M & R costs.

Sec. 8. DEBT SERVICE CHARGE

There shall be and there is hereby established a debt service charge of \$7.20 per month to each user of the water facility.

Sec. 9. CAPITAL IMPROVEMENT CHARGE

There shall be and there is hereby established a capital improvement charge of \$1.50 per Month, to each user of the water facility.

Sec. 10. RATES

A minimum charge of \$___ per month shall be applied to all users whose water consumption does not exceed 3000 gallons per month. This minimum charge consists of \$___ for O, M & R costs, \$___ for debt service costs and \$___ for capital improvement costs.

Usage in excess of 3000 gallons per month will be charged at a rate of \$___ per 1,000 gallons. This rate consists of \$___ for O, M & R costs, \$___ for debt service costs and \$___ for capital improvement costs.

Sec. 11. NONMETERED RATES

All non-metered residential users of the water facilities shall pay a flat rate charge of \$22.50 per month. The flat rate charge consists of \$13.80 for O, M & R costs, \$7.20 for debt service costs and \$1.50 for capital improvement costs. The flat rate charge will allow a maximum of 3000 gallons per month.

In the event use of the water facilities is determined by the Village of Downs to be in excess of 3000 gallons per month, the Village of Downs may require such flat rate user to install metering devices on the water supply to measure the amount of service supplied.

Sec. 12. COMPUTATION OF WATER SERVICE CHARGE

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

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

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

CC=Capital Improvement Charge (Section 9).

CD=Debt Service Charge (Section 8).

CM=Minimum Charge for Operation, Maintenance and Replacement (Section 10).

Vu=Water Volume for the billing period.

X=Allowable consumption in gallons for the minimum charge (Section 10).

CU=Basic User Charge for Operation, Maintenance and Replacement (Section 7).

FOR RATES SEE FEE SCHEDULE
At the Village of Downs Business Office.

ARTICLE V. GENERAL PROVISIONS

Sec. 1. *BILLS*

Said rates or charges for service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village of Downs only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Village of Downs.

Bills for service shall be sent out by the Village of Downs Business Office on the first day of the month succeeding the period for which the service is billed.

All bills are due and payable the 15th of each month. A penalty per the Village of Downs fee schedule shall be added to all bills not paid by 15th day of the month.

Sec. 2. *DELINQUENT BILLS*

- a. If the charges for such services are not paid by the date indicated on the shut off notices, a shut off work order is issued and a shut off fee (per Village of Downs fee schedule) will be assessed, and such services shall be discontinued without further notice and shall not be reinstated until all delinquent bills, penalties and fees including the reconnect fee (per Village of Downs fee schedule) are paid.
- b. NSF (Non-Sufficient Funds) checks. Customers with an NSF check will be assessed an NSF fee per the Village of Downs fee schedule and will need to pay the balance due in cash or money order. After a second NSF check, the NSF fee per the Village of Downs fee schedule will be assessed and only cash or money order will be accepted to cover any balance due and for any subsequent bills.

Sec. 3. *Lien-Notice of delinquency*

Whenever a bill for service remains unpaid for **60** days for monthly service after it has been rendered, the Village of Downs Business Office shall notify the Village of Downs clerk who shall file with the McLean 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 Downs claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises the notice shall be mailed to the owner of the premises.

The failure of the Village of Downs 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.

Sec. 4. *FORECLOSURE OF LIEN*

Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the

proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the Village of Downs. The Village of Downs attorney is hereby authorized and directed to institute such proceedings in the name of the Village of Downs in any court having jurisdiction over such matters against any property for which the bill has remained unpaid sixty days in the case of a monthly bill or one hundred and five days in the case of a quarterly bill after it has been rendered.

Sec. 5. REVENUES

All revenues and moneys derived from the operation 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 Downs treasurer separate and apart from his private funds and separate and apart from all other funds of the Village of Downs treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President & Board of Trustees.

The Village of Downs treasurer shall receive all such revenues from the water 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 "Water Fund of the Village of Downs." Said treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January, 1942.

Sec. 6. ACCOUNTS

The Village of Downs 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 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.

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 non-metered users.

Sec. 7. PENALTY

Any person, firm or corporation violating any provisions of this article shall be fined not less than \$10.00 dollars nor more than \$1,000.00 dollars for each offense.

Sec. 8. ACCESS TO RECORDS

The IEPA or its authorized representative shall have access to any books, documents, papers and records of the Village of Downs which are applicable to the Village of Downs system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the (Special and General Conditions to any State Grant). (Loan Agreement and Rules or any State Loan).

ARTICLE VI. APPEALS

The method for computation of rates and service charges established for user charges in Article IV shall be made available to a user within 21 days of receipt of a written request for such. Any disagreement over the method used or in the computations there of shall be remedied by Village of Downs Board of Trustees within 60 days after notification of a formal written appeal outlining the discrepancies.

APPENDIX #1

DEFINITIONS

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

Sec. 1. FEDERAL GOVERNMENT

- A. "Federal Act" means the Federal 1996 Safe Drinking Water Acts Amendments.
- B. "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

Sec. 2. STATE GOVERNMENT

- A. "State Act" means the Illinois Anti-Pollution Bond Act of 1970.
- B. "Director" means the Director of the Illinois Environmental Protection Agency.
- C. "State Loan" shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.

Sec. 3. LOCAL GOVERNMENT

- A. "Ordinance" means this ordinance.
- B. "Village of Downs" means the Village of Downs.
- C. "Approving Authority" means the Village of Downs Board of Trustees of the Village of Downs.

Sec. 4. PERSON

- A. "Person" shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

Sec. 5. CLARIFICATION OF WORD USAGE

- A. "Shall" is mandatory;
- B. "may" is permissible.

Sec. 6. WATER AND ITS CHARACTERISTICS

- A. "ppm" shall mean parts per million by weight.
- B. "Milligrams per Liter" shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.
- C. "pH" shall mean 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.

Sec. 7. PARCEL SERVICE

- A. "Curb Cock" shall mean 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.
- B. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- C. "Service Box" shall mean a valve box used with corporation or curb cock.

Sec. 8. TYPES OF CHARGES

- A. "Water Service Charge" shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in Article II and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.
- B. "User Charge" shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement.
- C. "Basic User Charge" shall mean the basic assessment levied on all users of the public water system.
- D. "Debt Service Charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) Outstanding.
- E. "Capital Improvement Charge" shall mean a charge levied on users to improve, extend or reconstruct the water works.
- F. "Local Capital Cost Charge" shall mean charges for costs other than the Operation, Maintenance and Replacement costs, i.e. Debt service and capital improvement costs.
- G. "Replacement" shall mean 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.
- H. "Useful Life" shall mean the estimated period during which the water works will be operated.
- I. "Water Fund" is the principal accounting designation for all revenues received in the operation of the water system.

- Adopted:** November 2, 1995
- Modified:** July 1, 1999 via Ordinance 1999-12
- Modified:** March 2, 2000 via Ordinance 2000-08
- Modified:** October 1, 2002 via Ordinance 2002-11
- Modified:** March 2, 2017 via Ordinance 2017-03
- Modified:** November 2, 2017 via Ordinance 2017-18