

## CODIFIED ORDINANCES OF ELBURN

### PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

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#### TITLE TWO - Street and Sidewalk Areas

- Chap. 1020. Construction of Utility Facilities in the Rights-of-Way.
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CHAPTER 1020

Construction of Utility Facilities in the Rights-of-Way

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CROSS REFERENCES

Street obstructions and special uses - see TRAF. Ch. 440

Animals on sidewalks - see GEN. OFF. 608.01

Deposit of garbage and rubbish on streets - see GEN. OFF. 624.02(e)

Use of streets by amusements - see B.R. & T. 806.08

Improvement of water supply and storage facilities - see S.U. & P.S.  
1040.03, 1040.05

Improvement of sewer facilities - see S.U. & P.S. 1060.08

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**1020.01 PURPOSE AND SCOPE.**

(a) Purpose. The purpose of this chapter is to establish policies and procedures for constructing facilities on rights-of-way within the Village's jurisdiction, which will provide

public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.

(b) Intent. In enacting this chapter, the Village intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

- (1) Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) Prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in rights-of-way or public property;
- (4) Protect against environmental damage, including damage to trees, from the installation of utility facilities;
- (5) Protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
- (6) Preserve the character of the neighborhoods in which facilities are installed;
- (7) Preserve open space, particularly the tree-lined parkways that characterize the Village's residential neighborhoods;
- (8) Prevent visual blight from the proliferation of facilities in the rights-of-way; and
- (9) Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(c) Facilities Subject to This Chapter. This chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this chapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(d) Franchises, Licenses, or Similar Agreements. The Village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the Village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this chapter.

(e) Effect of Franchises, Licenses, or Similar Agreements.

- (1) Utilities other than telecommunications providers. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar

agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

- (2) Telecommunications providers. In the event of any conflict with, or inconsistency between, the provisions of this chapter and the provisions of any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(f) Conflicts with Other Chapters. This chapter supersedes all chapters and ordinances or parts of chapters and ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(g) Conflicts with State and Federal Laws. In the event that applicable Federal or State laws or regulations conflict with the requirements of this chapter, the utility shall comply with the requirements of this chapter to the maximum extent possible without violating Federal or State laws or regulations.

(h) Sound Engineering Judgment. The Village shall use sound engineering judgment when administering this chapter and may vary the standards, conditions, and requirements expressed in this chapter when the Village so determines. Nothing herein shall be construed to limit the ability of the Village to regulate its rights-of-way for the protection of the public health, safety and welfare.

(Ord. 2007-32. Passed 12-17-07.)

### **1020.02 DEFINITIONS.**

As used in this chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this section. Any term not defined in this section shall have the meaning ascribed to it by 92 Ill. Adm. Code § 530.30, IDOT Standards, unless the context clearly requires otherwise.

- (a) “AASHTO” - American Association of State Highway and Transportation Officials.
- (b) “ANSI” - American National Standards Institute.
- (c) “Applicant” - A person applying for a permit under this chapter.
- (d) “ASTM” - American Society for Testing and Materials.
- (e) “Backfill” - The methods or materials for replacing excavated material in a trench or pit.
- (f) “Bore” or “boring” - To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.
- (g) “Building Commissioner” - The Village Building Commissioner or his or her designee.
- (h) “Cable operator” - That term as defined in 47 U.S.C. § 522(5).
- (i) “Cable service” - That term as defined in 47 U.S.C. § 522(6).
- (j) “Cable system” - That term as defined in 47 U.S.C. § 522(7).
- (k) “Carrier pipe” - The pipe enclosing the liquid, gas or slurry to be transported.

- (l) “Casing” - A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.
- (m) “Clear zone” - The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.
- (n) “Coating” - Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.
- (o) “Code” - The Codified Ordinances of the Village of Elburn.
- (p) “Conductor” - Wire carrying electrical current.
- (q) “Conduit” - A casing or encasement for wires or cables.
- (r) “Construction” or “construct” - The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.
- (s) “Cover” - The depth of earth or backfill over buried utility pipe or conductor.
- (t) “Crossing facility” - A facility that crosses one or more right-of-way lines of a right-of-way.
- (u) “Disrupt the right-of-way” - For the purposes of this chapter, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.
- (v) “Emergency” - Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.
- (w) “Encasement” - Provision of a protective casing.
- (x) “Engineer” - The Village Engineer or his or her designee.
- (y) “Equipment” - Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.
- (z) “Excavation” - The making of a hole or cavity by removing material, or laying bare by digging.
- (aa) “Extra heavy pipe” - Pipe meeting ASTM standards for this pipe designation.
- (bb) “Facility” - All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this chapter. For purposes of this chapter, the term “facility” shall not include any facility owned or operated by the Village.

- (cc) “Freestanding facility” - A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.
- (dd) “Frontage road” - Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.
- (ee) “Hazardous materials” - Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village Building Commissioner to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any Federal or State law, statute or regulation.
- (ff) “Highway Code” - The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.
- (gg) “Highway” - A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. “Highway” includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.
- (hh) “Holder” - A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-100.
  - (ii) “IDOT” - Illinois Department of Transportation.
  - (jj) “ICC” - Illinois Commerce Commission.
- (kk) “Jacking” - Pushing a pipe horizontally under a roadway by mechanical means with or without boring.
- (ll) “Jetting” - Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.
- (mm) “Joint use” - The use of pole lines, trenches or other facilities by two or more utilities.
- (nn) “J.U.L.I.E.” - The Joint Utility Locating Information for Excavators utility notification program.
- (oo) “Major intersection” - The intersection of two or more major arterial highways.
- (pp) “Occupancy” - The presence of facilities on, over or under right-of-way.
- (qq) “Parallel facility” - A facility that is generally parallel or longitudinal to the centerline of a right-of-way.
- (rr) “Parkway” - Any portion of the right-of-way not improved by street or sidewalk.
- (ss) “Pavement cut” - The removal of an area of pavement for access to facility or for the construction of a facility.
- (tt) “Permittee” - That entity to which a permit has been issued pursuant to Sections 1020.04 and 1020.05.
- (uu) “Practicable” - That which is performable, feasible or possible, rather than that which is simply convenient.
- (vv) “Pressure” - The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

- (ww) “Petroleum products pipelines” - Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.
- (xx) “Prompt” - That which is done within a period of time specified by the Village. If no time period is specified, the period shall be thirty days.
- (yy) “Public entity” - A legal entity that constitutes or is part of the government, whether at local, State or Federal level.
- (zz) “Restoration” - The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.
- (aaa) “Right-of-way” or “rights-of-way” - Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. “Right-of-way” or “rights-of-way” shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include Village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.
- (bbb) “Roadway” - That part of the highway that includes the pavement and shoulders.
- (ccc) “Sale of telecommunications at retail” - The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.
- (ddd) “Security fund” - That amount of security required pursuant to Section 1020.10.
- (eee) “Shoulder” - A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.
- (fff) “Sound engineering judgment” - A decision(s) consistent with generally accepted engineering principles, practices and experience.
- (ggg) “Superintendent of Public Works” - The Village Superintendent of Public Works or his designee.
- (hhh) “Telecommunications” - This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. “Private line” means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one



or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 522 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. § 76.1500 and following), as now or hereafter amended.

- (iii) "Telecommunications provider" - Any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.
- (jjj) "Telecommunications retailer" - Includes every person engaged in making sales of telecommunications at retail as defined herein.
- (kkk) "Trench" - A relatively narrow open excavation for the installation of an underground facility.
- (lll) "Utility" - The individual or entity owning or operating any facility as defined in this chapter.
- (mmm) "Vent" - A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.
- (nnn) "Video service" - That term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 5/21-201(v).
- (ooo) "Village" - The Village of Elburn.
- (ppp) "Water lines" - Pipelines carrying raw or potable water.
- (qqq) "Wet boring" - Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.  
(Ord. 2007-32. Passed 12-17-07.)

### **1020.03 ANNUAL REGISTRATION REQUIRED.**

Every utility that occupies right-of-way within the Village shall register on January 1 of each year with the Building Enforcement Officer, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a twenty-four-hour telephone number for each such person, and evidence of insurance as required in Section 1020.08, in the form of a certificate of insurance.

(Ord. 2007-32. Passed 12-17-07.)

**1020.04 PERMIT REQUIRED; APPLICATIONS AND FEES.**

(a) Permit Required. No person shall construct (as defined in this chapter) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which changes the location of the facility, adds a new facility, disrupts the right-of-way (as defined in this chapter), or materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Village Building Enforcement Officer and obtaining a permit from the Village therefor, except as otherwise provided in this chapter. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

(b) Permit Application. All applications for permits pursuant to this chapter shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

(c) Minimum General Application Requirements. The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

- (1) The utility's name and address and telephone and telecopy numbers;
- (2) The applicant's name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;
- (3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
- (4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- (5) Evidence that the utility has placed on file with the Village:
  - A. A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
  - B. An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the Village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency

contingency plans constitutes compliance with this section unless the Village finds that additional information or assurances are needed;

- (6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
- (7) Evidence of insurance as required in Section 1020.08;
- (8) Evidence of posting of the security fund as required in Section 1020.10;
- (9) Any request for a variance from one or more provisions of this chapter (see Section 1020.22); and
- (10) Such additional information as may be reasonably required by the Village.

(d) Supplemental Application Requirements for Specific Types of Utilities. In addition to the requirements of subsection (c) hereof, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

- (1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any “Certificate of Public Convenience and Necessity” or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
- (2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
- (3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
- (4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control have been satisfied; or
- (5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

(e) Applicant's Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within thirty days after the change necessitating the amendment.

(f) Application Fees. Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this chapter shall be accompanied by a fee in the amount of one hundred dollars (\$100.00). No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act. (Ord. 2007-32. Passed 12-17-07.)

**1020.05 ACTION ON PERMIT APPLICATIONS.**

(a) Village Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the Village Building Enforcement Officer within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the Village Building Enforcement Officer shall reject such application in writing, stating the reasons therefor. If the Village Building Enforcement Officer is satisfied that the proposed work conforms to the requirements of this chapter and applicable ordinances, codes, laws, rules, and regulations, the Village Building Enforcement Officer shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Village Building Enforcement Officer, that the construction proposed under the application shall be in full compliance with the requirements of this chapter.

(b) Additional Village Review of Applications of Telecommunications Retailers.

- (1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this chapter for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the Village not less than ten days prior to the commencement of work requiring no excavation and not less than thirty days prior to the commencement of work requiring excavation. The Village Building Enforcement Officer shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.
- (2) In the event that the Village Building Enforcement Officer fails to provide such specification of location to the telecommunications retailer within either ten days after service of notice to the Village by the telecommunications retailer in the case of work not involving excavation for new construction or twenty-five days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this chapter.
- (3) Upon the provision of such specification by the Village, where a permit is required for work pursuant to Section 1020.04 the telecommunications retailer shall submit to the Village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of subsection (a) hereof.

(c) Additional Village Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007. Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted forty-five days after submission to the Village, unless otherwise

acted upon by the Village, provided the holder has complied with applicable Village codes, ordinances, and regulations.

(Ord. 2007-32. Passed 12-17-07.)

#### **1020.06 EFFECT OF PERMIT.**

(a) Authority Granted; No Property Right or Other Interest Created. A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this chapter on Village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.

(b) Duration. No permit issued under this chapter shall be valid for a period longer than six months unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(c) Pre-construction Meeting Required. No construction shall begin pursuant to a permit issued under this chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the Village with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

(d) Compliance with All Laws Required. The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules, and regulations.

(Ord. 2007-32. Passed 12-17-07.)

#### **1020.07 REVISED PERMIT DRAWINGS.**

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the Village within ninety days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this chapter, it shall be treated as a request for variance in accordance with Section 1020.22. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

(Ord. 2007-32. Passed 12-17-07.)

**1020.08 INSURANCE.**

(a) Required Coverages and Limits. Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the Village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs (1) and (2) below:

- (1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as “X,” “C,” and “U” coverages) and products-completed operations coverage with limits not less than:
  - A. Five million dollars (\$5,000,000) for bodily injury or death to each person;
  - B. Five million dollars (\$5,000,000) for property damage resulting from any one accident; and
  - C. Five million dollars (\$5,000,000) for all other types of liability;
- (2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million dollars (\$1,000,000) for personal injury and property damage for each accident;
- (3) Worker's compensation with statutory limits; and
- (4) Employer's liability insurance with limits of not less than one million dollars (\$1,000,000) per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this section.

(b) Excess or Umbrella Policies. The coverages required by this section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(c) Copies Required. The utility shall provide copies of any of the policies required by this section to the Village within ten days following receipt of a written request therefor from the Village.

(d) Maintenance and Renewal of Required Coverages. The insurance policies required by this section shall contain the following endorsement:

“It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village Administrator of such intent to cancel or not to renew.”

Within ten days after receipt by the Village of said notice, and in no event later than ten days prior to said cancellation, the utility shall obtain and furnish to the Village evidence of replacement insurance policies meeting the requirements of this section.

(e) Self-Insurance. A utility may self-insure all or a portion of the insurance coverage and limit requirements required by subsection (a) hereof. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under subsection (a), or the requirements of subsections (b), (c) and (d) hereof. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under subsection (a) hereof, such as evidence that the utility is a “private self-insurer” under the Workers Compensation Act.

(f) Effect of Insurance and Self-Insurance on Utility's Liability. The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(g) Insurance Companies. All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rated “A-“ or better and of a class size “X” or higher by A.M. Best Company.

(Ord. 2007-32. Passed 12-17-07.)

#### **1020.09 INDEMNIFICATION.**

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the Village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this chapter by the Village, its officials, officers, employees, agents or representatives.

(Ord. 2007-32. Passed 12-17-07.)

#### **1020.10 SECURITY.**

(a) Purpose. The permittee shall establish a Security Fund in a form and in an amount as set forth in this section. The Security Fund shall be continuously maintained

in accordance with this section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve as security for:

- (1) The faithful performance by the permittee of all the requirements of this chapter;
- (2) Any expenditure, damage, or loss incurred by the Village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this chapter; and
- (3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village may pay or incur by reason of any action or nonperformance by permittee in violation of this chapter including, without limitation, any damage to public property or restoration work the permittee is required by this chapter to perform that the Village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this chapter or any other applicable law.

(b) Form. The permittee shall provide the Security Fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the Village, or an unconditional letter of credit in a form acceptable to the Village. Any surety bond or letter of credit provided pursuant to this subsection shall, at a minimum:

- (1) Provide that it will not be canceled without prior notice to the Village and the permittee;
- (2) Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
- (3) Shall provide a location convenient to the Village and within the State of Illinois at which it can be drawn.

(c) Amount. The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Village Building Enforcement Officer, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Village Building Enforcement Officer may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this subsection (c) for any single phase.



(d) Withdrawals. The Village, upon fourteen days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this subsection, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the Village for such amount within the fourteen day notice period. Withdrawals may be made if the permittee:

- (1) Fails to make any payment required to be made by the permittee hereunder;
- (2) Fails to pay any liens relating to the facilities that are due and unpaid;
- (3) Fails to reimburse the Village for any damages, claims, costs or expenses which the Village has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
- (4) Fails to comply with any provision of this chapter that the Village determines can be remedied by an expenditure of an amount in the Security Fund.

(e) Replenishment. Within fourteen days after receipt of written notice from the Village that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in subsection (c) hereof.

(f) Interest. The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in subsection (c) hereof.

(g) Closing and Return of Security Fund. Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village for failure by the permittee to comply with any provisions of this chapter or other applicable law. In the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the Village to the extent necessary to cover any reasonable costs, loss or damage incurred by the Village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(h) Rights Not Limited. The rights reserved to the Village with respect to the Security Fund are in addition to all other rights of the Village, whether reserved by this chapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the Village may have. Notwithstanding the foregoing, the Village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated. (Ord. 2007-32. Passed 12-17-07.)

#### **1020.11 PERMIT SUSPENSION AND REVOCATION.**

(a) Village Right to Revoke Permit. The Village may revoke or suspend a permit issued pursuant to this chapter for one or more of the following reasons:

- (1) Fraudulent, false, or materially incomplete statements in the permit application;
- (2) Non-compliance with this chapter;
- (3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
- (4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(b) Notice of Revocation or Suspension. The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this section.

(c) Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension. Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:

- (1) Immediately provide the Village with evidence that no cause exists for the revocation or suspension;
- (2) Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within five working days after receipt of the written notice of revocation; or
- (3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within ten days after receipt of the written notice of revocation.

The Village may, in its discretion, for good cause shown, extend the time periods provided in this subsection.

(d) Stop Work Order. In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within subsection (a) hereof.

(e) Failure or Refusal of the Permittee to Comply. If the permittee fails to comply with the provisions of subsection (c) hereof, the Village or its designee may, at the option of the Village: correct the deficiencies; upon not less than twenty days notice to the permittee, remove the subject facilities or equipment; or after not less than thirty days notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.

(Ord. 2007-32. Passed 12-17-07.)

### **1020.12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.**

(a) Notification of Change. A utility shall notify the Village no less than thirty days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this chapter, with respect to the work and facilities in the right-of-way.

(b) Amended Permit. A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the Village's right-of-way.

(c) Insurance and Bonding. All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.  
(Ord. 2007-32. Passed 12-17-07.)

### **1020.13 GENERAL CONSTRUCTION STANDARDS.**

(a) Standards and Principles. All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time including, but not limited to, the following:

- (1) Standard Specifications for Road and Bridge Construction;
- (2) Supplemental Specifications and Recurring Special Provisions;
- (3) Highway Design Manual;
- (4) Highway Standards Manual;
- (5) Standard Specifications for Traffic Control Items;
- (6) Illinois Manual on Uniform Traffic Control Devices (published by IDOT);
- (7) Flagger's Handbook;
- (8) Work Site Protection Manual for Daylight Maintenance Operations; and
- (9) Village of Elburn Subdivision Control Ordinance.

(b) Interpretation of Municipal Standards and Principles. If a discrepancy exists between or among differing principles and standards required by this chapter, the Village Building Enforcement Officer shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Village Building Enforcement Officer shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.  
(Ord. 2007-32. Passed 12-17-07.)

**1020.14 TRAFFIC CONTROL.**

(a) Minimum Requirements. The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

(b) Warning Signs, Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable Federal, State, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.

(c) Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(d) Notice When Access is Blocked. At least forty-eight hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to Section 1020.21, the utility shall provide such notice as is practicable under the circumstances.

(e) Compliance. The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the Village. (Ord. 2007-32. Passed 12-17-07.)

**1020.15 LOCATION OF FACILITIES.**

(a) General Requirements. In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.

- (1) No interference with Village facilities. No utility facilities shall be placed in any location if the Village Building Commissioner determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.
- (2) Minimum interference and impact. The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.
- (3) No interference with travel. No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
- (4) No limitations on visibility. No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
- (5) Size of utility facilities. The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or

cabinets then in use by the facility owner, regardless of location, for the particular application.

(b) Parallel Facilities Located Within Highways.

(1) Overhead parallel facilities. An overhead parallel facility may be located within the right-of-way lines of a highway only if:

- A. Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
- B. Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;
- C. Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;
- D. No pole is located in the ditch line of a highway; and
- E. Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.

(2) Underground parallel facilities. An underground parallel facility may be located within the right-of-way lines of a highway only if:

- A. The facility is located as near the right-of-way line as practicable and not more than eight feet (2.4 m) from and parallel to the right-of-way line;
- B. A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
- C. In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five feet (1.5 m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.

(c) Facilities Crossing Highways.

(1) No future disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of Village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

(2) Cattle passes, culverts, or drainage facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.

(3) Ninety degree crossing required. Crossing facilities shall cross at or as near to a ninety degree angle to the centerline as practicable.

(4) Overhead power or communication facility. An overhead power or communication facility may cross a highway only if:

- A. It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
  - B. Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and
  - C. Overhead crossings at major intersections are avoided.
- (5) Underground power or communication facility. An underground power or communication facility may cross a highway only if:
- A. The design materials and construction methods will provide maximum maintenance-free service life; and
  - B. Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- (6) Markers. The Village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. § 192.707 (1989)).
- (d) Facilities to be Located Within Particular Rights-of-Way. The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.
- (e) Freestanding Facilities.
- (1) The Village may restrict the location and size of any freestanding facility located within a right-of-way.
  - (2) The Village may require any freestanding facility located within a right-of-way to be screened from view.
- (f) Facilities Installed Above Ground. Above ground facilities may be installed only if:
- (1) No other existing facilities in the area are located underground;
  - (2) New underground installation is not technically feasible; and
  - (3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.
- (g) Facility Attachments to Bridges or Roadway Structures.
- (1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of

accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.

- (2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
  - A. The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
  - B. The type, length, value, and relative importance of the highway structure in the transportation system;
  - C. The alternative routings available to the utility and their comparative practicability;
  - D. The proposed method of attachment;
  - E. The ability of the structure to bear the increased load of the proposed facility;
  - F. The degree of interference with bridge maintenance and painting;
  - G. The effect on the visual quality of the structure; and
  - H. The public benefit expected from the utility service as compared to the risk involved.

(h) Appearance Standards.

- (1) The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- (2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.  
(Ord. 2007-32. Passed 12-17-07.)

**1020.16 CONSTRUCTION METHODS AND MATERIALS.**

(a) Standards and Requirements for Particular Types of Construction Methods.

(1) Boring or jacking.

- A. Pits and shoring. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Village Building Enforcement Officer from the edge of the pavement. Pits for boring or jacking shall be excavated no more than forty-eight hours in advance of boring or jacking operations and backfilled within forty-eight hours after boring or jacking operations are completed.

While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

- B. Wet boring or jetting. Wet boring or jetting shall not be permitted under the roadway.
  - C. Borings with diameters greater than six inches. Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).
  - D. Borings with diameters six inches or less. Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
  - E. Tree preservation. Any facility located within the drip line of any tree designated by the Village to be preserved or protected shall be bored under or around the root system.
- (2) Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and Bridge Construction."
- A. Length. The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Village Building Commissioner.
  - B. Open trench and excavated material. Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
  - C. Drip line of trees. The utility shall not trench within the drip line of any tree designated by the Village to be preserved.
- (3) Backfilling.
- A. Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction." When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
  - B. For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so



ordered by the Building Enforcement Officer, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Building Enforcement Officer.

- (4) Pavement cuts. Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this paragraph (4) is permitted under Section 1020.22, the following requirements shall apply:
- A. Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Building Enforcement Officer.
  - B. Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.
  - C. All saw cuts shall be full depth.
  - D. For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven years, or resurfaced in the last three years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.
- (5) Encasement.
- A. Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village.
  - B. The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
  - C. In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the Village. Bell and spigot type pipe shall be encased regardless of installation method.
  - D. In the case of gas pipelines of sixty psig or less, encasement may be eliminated.
  - E. In the case of gas pipelines or petroleum products pipelines with installations of more than sixty psig, encasement may be eliminated

only if: extra heavy pipe is used that precludes future maintenance or repair and cathodic protection of the pipe is provided;

- F. If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.
- (6) Minimum cover of underground facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

TYPE OF FACILITY	MINIMUM COVER
Electric Lines	30 inches (0.8 m)
Communication, Cable or Video Service Lines	18 to 24 inches (0.6 m, as determined by Village)
Gas or Petroleum Products	30 inches (0.8 m)
Water Line	Sufficient Cover to Provide Freeze Protection
Sanitary Sewer, Storm Sewer, or Drainage Line	Sufficient Cover to Provide Freeze Protection

(b) Standards and Requirements for Particular Types of Facilities.

(1) Electric power or communication lines.

- A. Code compliance. Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled “Rules for Construction of Electric Power and Communications Lines,” and the National Electrical Safety Code.
- B. Overhead facilities. Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.
- C. Underground facilities.
1. Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.
  2. If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if the crossing is installed by the use of “moles,” “whip augers,” or other approved method which compress the

- earth to make the opening for cable installation; or, the installation is by the open trench method which is only permitted prior to roadway construction.
3. Cable shall be grounded in accordance with the National Electrical Safety Code.
- D. Burial of drops. All temporary service drops placed between November 1 and March 15, also known as snowdrops, shall be buried by May 31, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten business days after placement.
- (2) Underground facilities other than electric power or communication lines. Underground facilities other than electric power or communication lines may be installed by:
    - A. The use of “moles,” “whip augers,” or other approved methods which compress the earth to move the opening for the pipe;
    - B. Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
    - C. Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
    - D. Tunneling with vented encasement, but only if installation is not possible by other means.
  - (3) Gas transmission, distribution and service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR § 192), IDOT's “Standard Specifications for Road and Bridge Construction,” and all other applicable laws, rules, and regulations.
  - (4) Petroleum products pipelines. Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B31.4).
  - (5) Waterlines, sanitary sewer lines, storm water sewer lines or drainage lines. Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current “Standard Specifications for Water and Sewer Main Construction in Illinois.”
  - (6) Ground mounted appurtenances. Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Building Enforcement Officer.

With the approval of the Building Enforcement Officer, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(c) Materials.

- (1) General standards. The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications for Road and Bridge Construction," the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
- (2) Material storage on right-of-way. No material shall be stored on the right-of-way without the prior written approval of the Village Building Enforcement Officer. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the Village.
- (3) Hazardous materials. The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(d) Operational Restrictions.

- (1) Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
- (2) These restrictions may be waived by the Building Enforcement Officer when emergency work is required to restore vital utility services.
- (3) Unless otherwise permitted by the Village, the hours of construction are those set forth in the Village's Noise Ordinance.

(e) Location of Existing Facilities. Any utility proposing to construct facilities in the Village shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The Village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within forty-eight hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 et seq.) (Ord. 2007-32. Passed 12-17-07.)

**1020.17 TREES, SHRUBS AND LANDSCAPING.**

The following general provisions shall apply to trees, shrubs and landscaping on public ways and/or properties in the Village.

- (a) Planting. All trees, plants and/or bushes hereafter planted on any public way or other public place shall conform to the requirements set forth in these Codified Ordinances.
- (b) Removal. No person shall remove or cut down any tree or shrub in any street, parkway or other public place. Nothing in this section shall be construed so as to apply to the removal under the direction of the Public Works Department, and/or by the Public Works Department, of any tree, shrub or plant or part thereof when such removal is necessary for the construction of any sidewalk, sewer, main, conduit or public improvement.
- (c) Injury.
  - (1) No person, firm or corporation shall molest, break, deface, destroy, interfere with or in any manner disturb or injure any tree, shrub or plant upon the public highways or places of the Village, nor shall any person set fire, or permit any fire to burn, where such fire or its heat will injure any portion of any such tree or shrub.
  - (2) No person shall permit any toxic chemical, either solid or liquid, to seep, drain or be emptied on or about any tree or shrub.
- (d) Trees Overhanging Streets. Owners of any tree, shrub or plant, growing on private property overhanging a street or highway within the Village, shall trim its branches so that they shall not obstruct the light of any street lamp, or obstruct the view of any street intersection, and so that there shall be a clear space of ten feet on secondary streets, and fifteen feet on major streets, above the surface of the street or sidewalk. Also, said owner or owners shall remove all dead, diseased or dangerous trees, growing on private property and overhanging a street or highway within the Village, and shall remove broken or decayed limbs from such trees which may be considered a menace to the safety of the public.
- (e) Fastening Materials to Trees. No person, firm or corporation shall hitch any animal to a tree or shrub, nor fasten any animal to any wire, rope, chain or cable, nor shall any person, firm or corporation nail, tie or in any other manner fasten any cards, signs, boards or any other articles to any tree, shrub or plant that is now or may hereafter be growing upon any public way or public place within the Village.
- (f) Excavations. In making excavations in streets or other public places, proper care shall be given to avoid injury to any tree or shrub.  
(Ord. 78-1. Passed 1-1-78.)

**1020.18 VEGETATION CONTROL.**

(a) Electric Utilities - Compliance with State Laws and Regulations. An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such

local ordinances, franchise agreements or other agreements with the Village as permitted by law.

(b) Other Utilities - Tree Trimming Permit Required. Tree trimming that is done by any utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this chapter.

- (1) Application for tree trimming permit. Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
- (2) Damage to trees. Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The Village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(c) Specimen Trees or Trees of Special Significance. The Village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(d) Chemical Use.

- (1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.
- (2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Building Enforcement Officer that such spraying is the only practicable method of vegetation control.

(e) Where there is a conflict between this section and the Village Tree Ordinance, the Village Tree Ordinance shall control.  
(Ord. 2007-32. Passed 12-17-07.)

#### **1020.19 REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES.**

(a) Notice. Within ninety days following written notice from the Village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove,

relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.

(b) Removal of Unauthorized Facilities. Within thirty days following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

- (1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
- (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
- (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this chapter;
- (4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise; or
- (5) If the facility was constructed or installed in a manner not consistent with the permit.

(c) Emergency Removal or Relocation of Facilities. The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the Municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(d) Abandonment of Facilities. Upon abandonment of a facility within the rights-of-way of the Village, the utility shall notify the Village within ninety days. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Village Building Enforcement Officer determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the Village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the Village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

(Ord. 2007-32. Passed 12-17-07.)

#### **1020.20 CLEAN-UP AND RESTORATION.**

The utility shall remove all excess material and restore all turf and terrain and other property within ten days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway

surfaces shall be made using materials and methods approved by the Village Building Enforcement Officer. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the Village Building Enforcement Officer for good cause shown.

(Ord. 2007-32. Passed 12-17-07.)

#### **1020.21 MAINTENANCE AND EMERGENCY MAINTENANCE.**

(a) General. Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the Village and at the utility's expense.

(b) Emergency Maintenance Procedures. Emergencies may justify non-compliance with normal procedures for securing a permit:

- (1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for the public and traffic on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
- (2) In an emergency, the utility shall, as soon as possible, notify the Village Building Enforcement Officer or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village Police Department shall be notified immediately.
- (3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(c) Emergency Repairs. The utility must file in writing with the Village a description of the repairs undertaken in the right-of-way within forty-eight hours after an emergency repair.

(Ord. 2007-32. Passed 12-17-07.)

#### **1020.22 VARIANCES.**

(a) Request for Variance. A utility requesting a variance from one or more of the provisions of this chapter must do so in writing to the Village Building Enforcement Officer as a part of the permit application. The request shall identify each provision of this chapter from which a variance is requested and the reasons why a variance should be granted.



(b) Authority to Grant Variances. The Village Building Enforcement Officer shall decide whether a variance is authorized for each provision of this chapter identified in the variance request on an individual basis.

(c) Conditions for Granting of Variance. The Village Building Enforcement Officer may authorize a variance only if the utility requesting the variance has demonstrated that:

- (1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
- (2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(d) Additional Conditions for Granting of a Variance. As a condition for authorizing a variance, the Village Building Enforcement Officer may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this chapter but which carry out the purposes of this chapter.

(e) Right to Appeal. Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Village Building Enforcement Officer under the provisions of this chapter shall have the right to appeal to the Village Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the Village Clerk within thirty days after the date of such order, requirement, decision or determination. The Village Board shall commence its consideration of the appeal at the Board's next regularly scheduled meeting occurring at least seven days after the filing of the appeal. The Village Board shall timely decide the appeal.

(Ord. 2007-32. Passed 12-17-07.)

#### **1020.99 PENALTY AND ENFORCEMENT.**

(a) Penalty. Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be subject to a fine in accordance with the penalty provisions of this Code. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this chapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

(b) Enforcement. Nothing in this chapter shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this chapter. (Ord. 2007-32. Passed 12-17-07.)



CHAPTER 1022  
Numbering of Parcels

EDITOR'S NOTE: This chapter was repealed by Ordinance 96-14, passed May 6, 1996. See Chapter 1474 of the Building and Housing Code.

CHAPTER 1024  
Shade Trees

1024.01	Short title.	1024.10	Trimming of trees for protection of wires.
1024.02	Definitions.	1024.11	Abuse or mutilation of public trees.
1024.03	Tree Board and Tree Conservator.	1024.12	Placing materials on public property.
1024.04	Arboricultural specifications and standards of practice.	1024.13	Diseased trees; declaration of nuisance.
1024.05	Tree Replacement Program.	1024.99	Penalty.
1024.06	Planting maintenance and removal.	Exhibit A	List of Recommended Street Trees
1024.07	Obstruction; pruning.	Exhibit B	Prohibited Tree List
1024.08	Protection of trees.		
1024.09	Hazardous trees.		

CROSS REFERENCES

Diseased trees - see GEN. OFF. 624.05

Trees, shrubs and landscaping of public ways and properties - see S.U. & P.S. 1020.06

**1024.01 SHORT TITLE.**

This chapter shall be known and may be cited as the “Shade Tree Ordinance”. (Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

**1024.02 DEFINITIONS.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word “shall” is mandatory and not merely directory.

- (1) **CONTRACTOR:** Any person engaged in the construction of any structure on a commercial or residential lot within the Village limits.
- (2) **LARGE TREES:** Designated as those attaining a height of fifty feet or more.
- (3) **MEDIUM TREES:** Designated as those attaining a height of thirty feet to fifty feet.
- (4) **MUNICIPALITY:** The Village of Elburn.

- (5) NATIVE TREES: Species known to be part of the flora of Northeastern Illinois before the time of settlement by European man and as indicated by Swink and Wilhelm, Plants of the Chicago Region, 1979.
- (6) PARK: All public parks.
- (7) PARKWAY: That part of a street or highway not covered by sidewalk or other paving and lying between a private property line and the street or highway.
- (8) PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.
- (9) PROPERTY OWNER: The person owning private property as shown by the Kane County Recorder's office.
- (10) PUBLIC PLACES: All grounds owned by the Village of Elburn, County of Kane, State of Illinois.
- (11) PUBLIC TREES: Includes all shade and ornamental trees now or hereafter growing on any street or any public areas, unless otherwise indicated.
- (12) SHRUBS: Any plant attaining a height of less than ten feet.
- (13) SMALL TREES: Designated as those trees attaining a height of up to thirty feet.
- (14) STREET OR HIGHWAY: The entire width of every public right of way.
- (15) TREE CONSERVATOR: The Tree Conservator shall be the Village Administrator, or his or her designee.
- (16) VILLAGE TREE BOARD: A Board of seven members, appointed by the Village President, each to serve a term of one year.  
(Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

### **1024.03 TREE BOARD AND TREE CONSERVATOR.**

(a) Authority.

- (1) Regulation of planting, maintenance and removal. The Tree Conservator or his or her designated agent, with the Village Tree Board, shall have the authority and jurisdiction of regulating the planting, maintenance and removal of trees on streets and other publicly owned property.
- (2) Supervision. The Tree Conservator or his or her designated agent shall have the authority, and it shall be his or her duty, to supervise and inspect all work done under a permit issued in accordance with the terms of this chapter.
- (3) Conditions of permit. The Tree Conservator or his or her designated agent shall have the authority to affix reasonable conditions to the permit in accordance with the terms of this chapter.

(b) Duties.

- (1) The Tree Board shall have the authority to promulgate rules and regulations governing the planting, maintenance, removal, fertilization, pruning and bracing of trees on the streets and other public sites in the Municipality, and shall direct, regulate and control the planting,

maintenance and removal of all trees growing now or hereafter in any public area of the Village. The Tree Board shall cause the provisions of this chapter to be enforced.

- (2) The Tree Conservator shall have the authority to grant certain exceptions, provided the intent of this chapter is substantially observed.

(c) Interference with Tree Conservator. No person shall hinder, prevent, delay or interfere with the Tree Conservator, the Tree Board or their agents while engaged in carrying out the execution or enforcement of this chapter.

(d) Meetings. The Village Tree Board will meet on a quarterly basis, unless otherwise needed, and will make recommendations to the Tree Conservator regarding tree issues.

(Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

#### **1024.04 ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE.**

(a) Authority of Village Tree Board. The Tree Board shall have the authority to promulgate the rules and regulations of the arboricultural specifications and standards of practice governing the planting, maintenance, removal, fertilization, pruning and bracing of trees on public property in the Municipality.

(b) Policy.

- (1) Compliance required. All work on public trees shall comply with this chapter.
- (2) Standards. Standards shall be adhered to at all times, but may be amended at any time that experience, new research or laws indicate improved methods, or whenever circumstances make it advisable, with the approval of the Village Tree Board.
- (3) Policy. The policy of the Village Tree Board shall be one of cooperating with the public, property owners, other Municipal departments, and appropriate not-for-profit organizations, where deemed practical.
- (4) Removal. No trees shall be removed from public places unless they constitute a hazard to life or property, a public nuisance or because a revision of planting plan necessitates.

(c) Species and Varieties.

- (1) Preparation of list. The Tree Conservator and the Village Tree Board shall prepare lists of trees acceptable for planting in the public sites of the Village. Undesirable trees shall not be recommended for general planting and their use, if any, shall be restricted to special locations where, because of certain characteristics of adaptability or landscape, they can be used effectively.

- (2) Review of list. Only desirable, long-lived trees of good appearance, beauty, adaptability and generally free from injurious insects or disease shall be planted in public sites. The Tree Conservator or his or her delegate shall review at least once every two years the species and varieties included on the approved list to determine if any should be removed for any reason or if certain new species or varieties of proven dependability and value should be added.
  - (3) Acceptable shade tree list. The acceptable shade tree list shall be available to the public at the Village Hall during normal business hours.
  - (4) Unacceptable tree list. The unacceptable shade tree list shall be available to the public at the Village Hall during normal business hours.
- (d) Planting.
- (1) Varying species. In order to prevent the spread of insects or disease, varieties of tree species shall be planted on all public properties.
  - (2) Species approval. Tree species shall be approved by the Village Tree Board prior to planting in order to maintain an inventory of the various species planted.
  - (3) Locations. All planting locations shall be approved by the Tree Conservator or his or her delegate before planting.
  - (4) Spacing between trees. There shall be at least a thirty foot spacing between small trees, forty foot spacing between medium trees and fifty foot spacing between large trees.
  - (5) Spacing from improvements. Trees in the parkway shall be planted at least twenty feet from all light poles, ten feet from all driveways and fireplugs and four feet from all sidewalks and other paved areas. If the width of the parkway is less than seven feet, the tree shall be centered in the parkway. If the width of the parkway is less than five feet, only small trees shall be planted.
  - (6) Corner lots. Trees to be planted shall be at least twenty feet from the property corner at all street intersections. On corner lots, no plantings shall be maintained higher than thirty inches above the centerline grade of the intersecting streets if located within that triangular portion of a required front or side yard situated within twenty feet of a lot corner formed by the intersection of any two street lines.
  - (7) Size of trees along streets. Street trees to be planted or replanted shall have a trunk diameter (measured twelve inches above the ground) of not less than two and one-half inches.
  - (8) Maintenance. Proper maintenance and care shall be given to all newly planted trees and shall be replaced if not living one year after date of planting.

- (9) Planting in Village parkways. Any tree that is to be planted in a Village parkway requires Village Tree Board approval.
  - (10) Planting without approval. Persons planting trees after the effective date of this chapter without prior approval of the Village Tree Board may be required to either replant a tree in an acceptable position and according to Village specifications or to remove and/or replace the tree, at the violator's expense.
- (e) Trimming and Removal of Public Trees.
- (1) Parkway trees. All Parkway trees shall be trimmed to the Village specifications for health, safety and appearance.
  - (2) Height above streets and walkways. Trees shall be trimmed at least sixteen feet above streets for vehicle clearance (fourteen feet over streets where trucks are prohibited) and pedestrian safety, as well as visibility. Trees shall be trimmed at least seven feet above the sidewalk grade and shaped for proper growth.
  - (3) Rotating of trimming. The Village may require that all trees be trimmed on a rotating basis once every five years.
  - (4) Annual survey. Trees on Municipal property shall be surveyed once yearly and scheduled for removal if found to be diseased or hazardous.
  - (5) Removal prohibited. No person shall remove trees on public property without a permit issued by the Tree Conservator.
  - (6) Diseased trees. No tree shall be removed from the parkway, unless diseased, severely injured or dead as determined by the Tree Conservator. The Tree Conservator may replace such tree with an acceptable species at the Municipality's expense.
  - (7) Stumps. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.
- (f) Trimming and Removal of Trees on Private Property.
- (1) Prevention of nuisance. It shall be the duty of any person growing a tree on his or her property to trim the trees and to treat or remove any diseased trees to prevent the trees from constituting a nuisance to the neighbor or to the public. Any tree or shrub which overhangs any sidewalk, street or other public place in the Village in such a way as to impede or interfere with traffic or travel or within sixteen feet of the street (fourteen feet over streets where trucks are prohibited) or seven feet of a sidewalk level, shall be trimmed accordingly by the owner of the premises.
  - (2) Prevention of obstruction or dangerous conditions. All trees or limbs of a tree which are likely to fall on or across any public way or property of another or interfere with the vision of vehicular traffic shall be removed by



the owner of the premises on which such tree grows. The Tree Conservator or his or her designate may trim any such tree or shrub or remove any such tree or branch thereof so that the obstruction or danger to traffic or passage shall be eliminated.

(g) Spraying and Treatment of Public Trees.

- (1) The Village is not chemically treating or spraying any of its public or parkway trees. If a private property owner wishes to treat his or her public parkway tree, they will not be reimbursed by the Village.

(h) Amendments. The Tree Board shall have the authority to modify, amend or extend the arboricultural specifications and standards of practice of the Village at any time that experience indicates improved methods are more appropriate.

(Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

**1024.05 TREE REPLACEMENT PROGRAM.**

(a) Establishment of Program. There is hereby established a voluntary tree replacement program for the purpose of providing for the replacement of trees on Municipal property and for the payment of the cost thereof in equal portions by the Village and the owner or owners of properties desiring to participate in the program. The scope of the program shall be subject to available funding.

(b) Administration of Program. The Tree Conservator or his or her agent shall administer the tree replacement program. He or she may determine which individual parcels in the Village are in need of replacement trees under the program and shall establish priorities for accomplishing the same. He or she may notify the owner or owners of property abutting the Village parkways determined to be in need of new or replacement trees under the program and may invite the owners' participation.

(c) Implementation of Program. When the Tree Conservator and the Village Tree Board have determined that there are sufficient portions of the Village requiring replacement trees under the program, they shall obtain cost estimates and shall notify each participating property owner of his or her proportionate share of such cost and request deposits of such amounts to be made with the Village Collector. When such deposits have been made, the Tree Conservator shall proceed to have the tree replacement work completed. Any excess in the amount of the deposits over actual cost of the replacement shall be refunded pro rata to the participants; any deficiency in the amount of such deposits, as related to the actual cost of the work, shall be collected from each participant in the same pro rata manner.

(Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

**1024.06 PLANTING MAINTENANCE AND REMOVAL.****(a) Permit Requirements.**

- (1) Permit required. No person shall plant, spray, fertilize, preserve, prune, remove, cut above ground or otherwise disturb any tree on any street or Village owned property without first filing an application and procuring a permit from the Tree Conservator. The person receiving the permit shall abide by the standards established by the Village.
- (2) Application for permit. Application for permit must be made at the Village office not less than fifteen days in advance of the time the work is to be performed.
- (3) Application data. The application required herein shall state the number and kind of trees to be trimmed, sprayed, preserved or removed; the kind of treatment to be administered; the kind and condition of nearest trees upon the adjoining properties and such other information as the Tree Conservator or his or her agent shall find reasonably necessary.
- (4) Standards of issuance. The Tree Conservator shall issue the permit provided for herein, if, in his or her judgment, the proposed work is desirable and the proposed method and workmanship thereof are of satisfactory nature. Any permit granted shall contain a definite date of expiration and the work shall be completed in the time allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated.
- (5) Notice of completion. Notice of completion shall be given within five days to the Tree Conservator or his or her agent for inspection.

**(b) Planting.**

- (1) Application data. The application required herein shall state the number of trees to be set out, the location, grade, species, cultivar or variety of each tree and such other information as the Tree Conservator or his or her agent shall find reasonably necessary to a fair determination of whether a permit should be issued.
- (2) Improper planting. Whenever any tree shall be planted or set out in conflict with the provisions of this chapter, it shall be lawful for the Tree Conservator or his or her agent to remove or cause removal of the same and the cost thereof assessed to the owner.

(c) Maintenance. The application required herein shall state the number and kinds of trees to be sprayed, fertilized, pruned or otherwise preserved, the kind of treatment to be administered, the composition of the spray material to be applied and such other information as the Tree Conservator shall find reasonably necessary to a fair determination of whether a permit should be issued.

(d) Removal, Replanting and Replacement.

- (1) Replacement by Village. Whenever it is necessary to remove a tree or trees from a parkway in connection with the re-pavement of an existing sidewalk or the paving or widening of the portion of a street or highway used for vehicular traffic, the Municipality shall replace same.
- (2) Replacement by owner or contractor. No contractor or property owner shall remove a tree from the parkway for the purpose of construction, or for any other reason, without first filing an application and procuring a permit from the Tree Conservator or his or her delegate, and without replacing the removed tree or trees in accordance with adopted Village specifications. Such replacement shall meet the standards of size, species and placement as provided for in the permit issued by the Tree Conservator or his or her delegate. The contractor or property owner shall bear all costs of removal and replacement.
- (3) Community notification. Whenever it is necessary for the Village to remove a tree, painting an "X" on the tree to be removed shall provide sufficient notice that this tree will be cut down. This marking on the tree to be removed shall be painted upon the tree no later than three days before the scheduled removal.

(e) Tree location. Any completed application to do work on a Village tree shall identify the location of the tree in accordance with the standards established by the Village Tree Board and the Tree Conservator.

(Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

**1024.07 OBSTRUCTION; PRUNING.**

It shall be the duty of any person owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be seven feet over sidewalks, fourteen feet over all streets where trucks are prohibited and sixteen feet on all other streets.

- (a) Notice to Prune. Should any person owning real property bordering on any street fail to prune trees located on private property as hereinabove provided, the Tree Conservator or his or her agent shall order such person, within ten days after receipt of written notice, to so prune such trees.
- (b) Order Required. The order required herein shall be served by mailing a copy of the order to the last known address of the property owner.
- (c) Failure to Comply. When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the Municipality to prune such trees and the cost thereof shall be assessed to the owner.

(Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

**1024.08 PROTECTION OF TREES.**

(a) Permit Required. No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten feet from any public tree without first obtaining a written permit from the Tree Conservator or his or her agent.

(b) Guarding From Excavation or Construction. If deemed necessary by the Tree Conservator or the Tree Board, all trees on any street or other publicly owned property near any excavation or construction of any building, structure or street work, shall be guarded with a good, substantial fence, frame, or box, not less than four feet high and eight feet square, or at a distance in feet from the tree equal to one-half the diameter of the trunk in inches (whichever is less), and all building material, dirt or other debris shall be kept outside of the barrier.

(Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

**1024.09 HAZARDOUS TREES.**

The owner of every lot or parcel of land in the Village upon which any tree is growing shall trim or cause to be trimmed the branches thereof so that they pose no hazard to any individual's health and safety. When any such tree is dead, such property owner shall remove the same so that it will pose no hazard to any individual's health or safety. Any hazardous tree is hereby declared to be a public nuisance and failure to correct said hazardous condition within fifteen days after written notice from the Tree Conservator or his or her agent shall be in violation of this section.

(Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

**1024.10 TRIMMING OF TREES FOR PROTECTION OF WIRES.**

It shall be the duty of the various utility companies to maintain trees in such a manner that they do not interfere with service or create a hazard to life, health or personal property.

(Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

**1024.11 ABUSE OR MUTILATION OF PUBLIC TREES.**

Unless specifically authorized by the Tree Conservator or his or her agent, no person shall intentionally damage, cut, carve, transplant, trim or remove any tree, attach any rope, wire, nails, advertising posters or any other contrivance to any tree, allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

(Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

**1024.12 PLACING MATERIALS ON PUBLIC PROPERTY.**

No person shall deposit, place, store or maintain upon any public place in the Municipality any stone, brick, sand, concrete or other material which may impede the free

passage of water, air and fertilizer to the roots of any tree growing thereon, except by written permit of the Tree Conservator or his or her agent.  
(Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

**1024.13 DISEASED TREES; DECLARATION OF NUISANCE.**

(a) Any elm tree infected with Dutch Elm disease or any ash tree infected with Emerald Ash Borer, as determined by laboratory analysis, is hereby declared to be a public nuisance and shall be subject to abatement as such. No person, being the owner of property whereon such a tree is situated, shall possess or keep such a tree after notification, as hereinafter set forth, of the discovery of said infection.

(b) Trees or parts thereof in a dead or dying condition that may serve as a breeding place for the European Elm Park Beetle, *Scolytus Multistriatus*, or Ash Trees or part thereof in a dead or dying condition that may serve as a breeding place for the Emerald Ash Borer, *Agrilus planipennis*, are hereby declared to be a public nuisance. No person, owning property whereon the same is situated, shall possess or keep the same.

(c) The Superintendent of Public Works, or his or her representative, shall give to the owner of the premises where the public nuisances described in subsection (a) or (b) hereof are found a written notice of the existence of such nuisances, which notice shall require the removal of the same within 15 days following the issuance of such notice. Such removal shall be under the direction and supervision of the Village President or his or her representative. It shall be the duty of the owner of the premises on which such nuisance occurs to abate such nuisance. The said notice shall also notify the owner of said premises that unless such public nuisance is removed in compliance with the terms thereof within such 15-day period, the Village will proceed with the removal of such public nuisance, and will assess the owner the cost of such removal.

If such owner shall neglect to abate such public nuisance and to cause the removal of such tree or trees as provided in subsection (c) hereof, then it shall be lawful for the Village, by its agents, servants or independent contractors, to go upon such property to cut down and remove such public nuisance, and to spray (either before or after such removal) a 1,000-foot area surrounding such nuisance. The owner shall be assessed for the cost of all such nuisance-abating activities.

(d) Service of such notice as hereinbefore referred to shall be personally served by the Police Department on the owner of said premises if residing in the Village. Where the owner is a nonresident of the Village, or where, upon reasonable diligence, the owner cannot be found or located within the Village, said notice may be served by certified mail, addressed to said owner at his or her last known address.

(e) It is hereby made the duty of any person in the Village to report to the Superintendent of Public Works the existence of any diseased elm tree or ash tree of which such person has knowledge.

(f) It is hereby made lawful for the Village, by its agents, servants, employees or independent contractors engaged by the Village, to go upon any private property in the Village for the following purposes: to examine elm trees or ash trees for diseased conditions, to remove a small portion of any branch or tree to be transmitted to a laboratory for tests, to spray any elm tree or ash tree and to remove and burn any diseased elm tree or ash tree.

(Ord. 2011-33. Passed 12-19-11.)

**1024.99 PENALTY.**

Any person violating or failing to comply with any of the provisions of this chapter shall be subject to penalty as provided for by Section 202.99 of the Codified Ordinances of the Village of Elburn. Each day shall constitute a separate offense.

EXHIBIT A  
List of Recommended Street Trees

Parkway shade trees shall be selected from the following recommended species:

<u>Botanical Name</u>	<u>Common Name</u>	<u>Comments</u>	<u>Mature Size</u>
Acer x freemani	Red-Silver Maple	Good street tree High urban condition tolerance	50'-70' hgt.
Acer rubrum 'Red Sunset'	Red Sunset Red Maple	Good parkway tree	50'-70' hgt.
Carya ovata	Shagbark Hickory	Good parkway tree	60'-80' hgt.
Celtis occidentalis	Common Hackberry	Good street tree, High urban condition tolerance	50'-70' hgt. 40'-60' hgt.
Fraxinus Americana 'Autumn Purple'	Autumn Purple Ash	Good street tree, High urban condition tolerance	50'-80' hgt.
Fraxinus Americana 'Rosehill'	Rosehill White Ash	Good street tree High urban condition tolerance	50'-70' hgt.
Ginkgo biloba (Male)	Ginkgo	Good parkway tree	50'-80' hgt.
Gleditsia triacanthos Inermis 'Skyline'	Skyline Honeylocust	Good street tree High urban condition tolerance	30'-70' hgt.
Gleditsia triacanthos Shademaster Inermis	'Shademaster' Honeylocust	Good street tree High urban condition tolerance	30'-70' hgt.
Gymnocladus dioica	Kentucky Coffee tree	Good street tree High urban condition tolerance	60'-75' hgt.
Juglans nigra	Black Walnut	Good parkway tree	50'-75' hgt.
Liquidambar styraciflua	Sweetgum	Good parkway tree	60'-75' hgt.
Quercus macrocarpa	Bur Oak	Good parkway tree	70'-80' hgt.
Quercus alba	White Oak	Good parkway tree	70'-80' hgt.

EXHIBIT A  
List of Recommended Street Trees

<u>Botanical Name</u>	<u>Common Name</u>	<u>Comments</u>	<u>Mature Size</u>
Quercus muhlenbergii	Chinquapin Oak	Good parkway tree	60'-70' hgt.
Quercus Rubra	Red Oak	Good parkway tree	60'-75' hgt.
Tilia corda 'Redmond'	Redmond Linden	Good parkway tree	50'-60' hgt.
Tilia corda 'Greenspire'	Greenspire Linden	Good parkway tree	60'-70' hgt.
Tilia Americana	American Linden	Good parkway tree	60'-80' hgt.
Ulmus species*	Elm	Good parkway tree	70'-80' hgt.

\* Disease resistant varieties allowed upon prior approval  
(Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

EXHIBIT B  
Prohibited Tree List

<u>Botanical Name</u>	<u>Common Name</u>	<u>Comments</u>
Abies species	Fir	Evergreen species that eliminates sign lines
Acer negundo	Box Elder	Soft wooded, weedy species
Acer saccharinum*	Silver Maple	Soft wooded, weedy species
Acer platnoides	Norway Maple	Highly invasive species
Aesculus species	Buckeye, Horsechestnut	Not tolerant to urban conditions
Ailanthus altissima	Tree-of-Heaven	Soft wooded, weedy species
Betula papyrifera	Canoe, Paper Birch	Not tolerant to urban conditions
Carya species	Hickory, Pecan	Not tolerant to urban conditions



EXHIBIT B  
Prohibited Tree List

<u>Botanical Name</u>	<u>Common Name</u>	<u>Comments</u>
Castanea species	Chestnut	Not tolerant to urban conditions
Catalpa species	Catalpa	Drops fruit that is unpleasant
Crataegus crusgalli	Cockspur Hawthorn	Small statured, low branch tree
Crataegus laevigata	English Hawthorn	Small statured, low branch tree
Crataegus mollis	Downy Hawthorn	Small statured, low branch tree
Cornus species	Dogwood	Low branched shrub-like form
Fagus species	Beech	Not tolerant to urban conditions
Ginkgo bilboa (female)	Ginkgo	Drops fruit that is unpleasant
Gleditsia triacanthos**	Thorny Honeylocust	Thorns create liability
Halesia species	Silverbell	Low branched shrub-like form
Hamamelis species	Witchhazel	Low branched shrub-like form
Juniperus species	Juniper, Red-Cedar	Evergreen species that eliminates sight lines
Liriodendron tulipifers	Tuliptree	Not tolerant to urban conditions
Maclura pomifera	Osage-Orange	Soft wooded, weedy species
Magnolia species	Magnolia	Not tolerant to urban conditions
Malus domestica	Apple	Drops fruit, liability issues
Morus species	Mulberry	Soft wooded, weedy species

EXHIBIT B  
Prohibited Tree List

<u>Botanical Name</u>	<u>Common Name</u>	<u>Comments</u>
Oxydendrum species	Sourgum	Not tolerant to urban conditions
Picea species	Spruce	Evergreen species that eliminates sight lines
Pinus species	Pine	Evergreen species that eliminates sight lines
Platanus species	Sycamore, Planetree	Not tolerant to urban conditions
Populus species	Poplar, Cottonwood, Aspen	Soft wooded, weedy species
Pseudotsuga mezniesii	Douglas Fir	Evergreen species that eliminates sight lines
Prunus species	Cherry, Peach, Plum	Small species that blocks sight lines
Pyrus communis	Pear	Susceptible to ice damage
Pyrus calleryana 'Bradford'	Bradford Callery Pear	Susceptible to ice damage
Rhamnus species	Buckthorn	Non-native invasive species
Robinia species	Black Locust	Weedy species that becomes clonal
Salix species	Willow	Soft wooded, weedy species
Sorbus species	Mountain Ash	Not tolerant to urban conditions
Taxus species	Yew	Evergreen species that eliminates sight lines
Thuja species	Arborvitae	Evergreen species that eliminates sight lines
Tsuga species	Hemlock	Evergreen species that eliminates sight lines

\* Disease resistant varieties allowed upon prior approval

\*\* Thornless varieties acceptable

(Ord. 99-26. Passed 12-6-99; Ord. 2011-33. Passed 12-19-11.)

2013 Replacement

TITLE FOUR - Water

- Chap. 1040. Water Generally.  
 Chap. 1042. Water Rates and Charges.  
 Chap. 1044. Water Use Restrictions.  
 Chap. 1046. Cross-Connection Control.
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CHAPTER 1040  
 Water Generally

- |         |   |         |  |
|---------|---|---------|--|
| 1040.01 | Definitions.                              | 1040.05 | Improvement permits.                             |
| 1040.02 | Waterworks system regulations.            | 1040.06 | In-place plans.                                  |
| 1040.03 | Improvements, extensions and connections. | 1040.07 | New construction.                                |
| 1040.04 | Applications for service or use.          | 1040.08 | Material design and construction specifications. |
|         |   | 1040.09 | Inspection and enforcement.                      |
|         |   | 1040.99 | Penalty.   |

CROSS REFERENCES

- Obstruction of watercourses - see GEN. OFF. 624.08  
 Water pollution - see GEN. OFF. 624.08; S.U. & P.S. 1060.03  
 Stagnant pools - see GEN. OFF. 624.09  
 Municipal Utility Tax - see B.R. & T. Ch. 894  
 Water rates and charges - see S.U. & P.S. Ch. 1042  
 Water use restrictions - see S.U. & P.S. Ch. 1044  
 Cross-connection control - see S.U. & P.S. Ch. 1046  
 Water in mobile home parks - see B. & H. 1470.12(g)(1)
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1040.01 DEFINITIONS.

As used in this chapter and in Chapter 1042:

- (a) "Car truck wash" means any building or portion thereof where trucks, automobiles or other vehicles are washed.

- (b) "Customer," "applicant" or "user" means any person, partnership, corporation, trust or other party which uses, applies for and/or receives service from the waterworks system of the Village.
- (c) "Laundromat" or "laundry" means any commercial laundry.
- (d) "Lot" means any parcel of land, as defined in the Zoning Code.
- (e) "Person" means any individual, firm, company, association, society, corporation or group.
- (f) "Primary water mains" means water mains of not less than eight inches in diameter, and looped at intervals of approximately every one-half mile, conveying water from wells or storage reservoirs to the various sections of the water distribution system.
- (g) "Secondary water mains" means a gridiron of water mains, not less than six inches in diameter, connected to the primary water mains to deliver the fire flow and domestic supply to the various properties and customers along their routes.
- (h) "Service charges" means charges for making the waterworks system of the Village ready to serve particular lots, tracts or parcels of land.
- (i) "Superintendent" means the Superintendent of Public Works of the Village or his or her authorized deputy, agent or representative.
- (j) "Usage rates" means rates for the use of the waterworks system of the Village.
- (k) "Village" means the Village of Elburn, Kane County, Illinois.
- (l) "Water distribution system" means a grid of water mains to convey the water from the source of supply to the point of use.
- (m) "Waterworks system" means and includes the water supply and distribution system in its entirety, and any integral part thereof, including, but not necessarily limited to, mains, hydrants, meters, valves, standpipes, storage tanks, intakes, wells, impounding reservoirs, pumps, machinery, purification plants, softening apparatus and all other elements used in connection with such system.  
(Ord. 77-1. Passed 2-21-77.)

#### **1040.02 WATERWORKS SYSTEM REGULATIONS.**

(a) Turning On By Authorized Persons Only. No water from the Village's water supply shall be turned on for service into any premises by any person other than the person authorized by the Village to turn on such water.

(b) Discontinuance of Service for Nonpayment. The Village shall have the right to discontinue its water service to any customer whenever the payments for services or usage are in arrears, or in case the customer fails to comply with or perform any of the conditions or obligations of this chapter or Chapter 1042 "Water Rates and Charges," including the customer or owner or tenant's refusal to allow Village staff

access to the premises pursuant to Section 1040.09 hereof. However, in no event shall service be discontinued without first affording the customer notice and an opportunity to discuss the matter at a meeting with the Superintendent of Public Works or Village Administrator. The customer shall have the right to appeal the decision of the Superintendent of Public Works or Village Administrator to the Public Works Committee.

(c) Liability of Village for Discontinuance of Service. The Village shall not be responsible in damages for any failure in the waterworks system or for interruptions of water service.

(d) Damaging, Defacing, Etc. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the waterworks system of the Village.

(e) Buildings for Which Connection Required. Buildings in which plumbing fixtures are installed and which are for human use, occupancy or habitation shall be provided with a connection to the public waterworks system, except as provided in subsection (f) hereof. (Ord. 77-1. Passed 2-21-77.)

(f) Exemption for Extraordinary Hardship. Where the Superintendent of Water, in conjunction with the Village Board, finds, on the basis of the evidence presented to him or her, that as applied to a particular building or structure, extraordinary hardship will result from strict compliance with the provisions of subsection (e) hereof, the owner of such building or structure shall be exempted from compliance with said subsection. The owner of a building or structure so exempted shall install suitable waterworks facilities complying with the provisions of these Codified Ordinances. No finding of extraordinary hardship shall be made unless the evidence discloses that:

- (1) Because of the particular physical surroundings, shape, topographic conditions or location, with reference to the nearest connection to the waterworks system of the Village, of the tract or parcel of land on which the particular building or structure involved is situated, a particular hardship to the owner would result, as distinguished from mere inconvenience, if the strict letter of subsection (e) hereof were carried out;
- (2) The conditions upon which the request for the exemption is based are unique to the tract or parcel of land on which the building or structure involved is situated, and are not generally applicable to other tracts or parcels of land; and
- (3) The granting of the exemption will not be detrimental to the public safety, health or welfare or be injurious to other property in the neighborhood in which the particular building or structure is located.

(Adopting Ordinance)

(g) Modifications to System.

- (1) No modifications whatsoever shall be made to the Village waterworks system without first having obtained the permission of the Village. The person so desiring to make such modifications shall make written application to the Village prior to the commencement of any such modifications. The Village reserves the right to reject any applications for modifications on the basis that the person proposing to perform such modifications is unqualified.
- (2) The applicant, and/or any person proposing to perform such modification on behalf of said applicant, shall indemnify and hold harmless the Village and its agents, servants and employees from all claims, demands, causes of action, recoveries, judgments of every nature and description brought or recovered against the Village by reason of errors, omissions or negligence, or any acts whatsoever on the part of the applicant or his or her agents, servants or employees in the execution of the aforesaid modifications.

(h) Prohibited Connections. No person shall make direct connections to any part of the waterworks system with any lines, equipment or vessels containing raw or contaminating chemicals, or sewage or nonpotable water. No connection shall be made between the public waterworks system and a private waterworks system.

(i) Assessment Policy. In the event that improvements are to be paid for by voluntary or special assessment:

- (1) The owner of each lot or parcel of property shall pay 100 percent of the pro rata costs of any improvement, extension or replacement, based upon the cost per linear foot, of the main he or she is tapped into;
- (2) The owner shall pay fifty percent of the pro rata cost of any improvement, extension or replacement, based upon the cost per linear foot, of the main fronting a side yard;
- (3) The owner shall pay twenty-five percent of the pro rata cost of any improvement, extension or replacement of any other main fronting his or her property;
- (4) In the event that payment as hereinabove provided is not made by the owner, the Village may place a lien on his or her property. Interest on the unpaid amount shall be charged at the maximum rate allowed by law; and
- (5) The type of assessment to be used shall be established by the Village.

(j) Resale Prohibited; Payment for Certain Uses. No water shall be resold. Water withdrawn from unmetered facilities, except for new construction, shall be paid for as follows:

- (1) To fight fires: no charge.
- (2) To provide water for fire-fighting purposes outside the Village: no charge.

(k) Fire Service Connection. Any building which is equipped with standpipes or sprinkler systems shall have a separate connection to the water distribution system. Minimum size fire service lines shall include a valve and vault so that said service can be shut off for maintenance and repair. The location of the valve and vault shall be within sixty feet of the water main.

(Ord. 77-1. Passed 2-21-77; Ord. 2002-24. Passed 9-16-02.)

### **1040.03 IMPROVEMENTS, EXTENSIONS AND CONNECTIONS.**

(a) Improvements, expansion and/or extensions of water supply and storage facilities, primary water mains and pumping stations will be made by the Village in the course of orderly development, demand and financial capabilities.

(b) No water and/or connection will be permitted for a building which is unfit for human occupancy or which has been condemned.

(c) All extensions of the water distribution system shall be made on terms acceptable to the Village.

(d) Said extensions shall serve more than ten lots or a tract of more than ten acres. The Village may allow extensions for less than ten lots or ten acres if said extension is deemed by the Village Board to be beneficial to the Village.

(e) With the exception of areas or lands lying outside of the corporate limits of the Village which are presently receiving Village water service, and with the exception of areas or lands outside of the corporate limits to which the Village is, or will be, obligated to furnish Village water service by virtue of a presently existing agreement or contract, the Village shall hereafter furnish no Village water service to any area or land lying outside the corporate limits of the Village. An exhibit indicating such excepted areas is on file in the Village office. However, the Village may furnish water to public governmental bodies or agencies that are outside the corporate limits which are either contiguous to the Village or are separated from said Village by only a public roadway. The Village may furnish water on an occasional basis to parties outside the corporate limits of the Village. The charge for such water furnished shall be 200 percent of the rates applicable to users within the corporate limits.

(f) All connections to the waterworks system shall be to a water main as defined herein, and shall meet all requirements of Village ordinances. No person shall connect to another person's service line without the consent of the Village Board.

(g) In the event that an owner desires to install the extension of a primary water main concurrently with on-site improvements, then the Village may participate in the cost of the installation of the primary water main in a ratio of the diameter of water mains required by the Village to the diameter of water mains required to serve the proposed site improvements. All of these factors shall be determined by the Village Engineer and the Village Board.

(h) Extensions of secondary water mains may be made at a property owner's expense, subject to subsection (a) hereof, as follows:

- (1) An owner or group or owners may petition the Village to make an extension of secondary water mains;
- (2) Improvements within a subdivision shall be as required by the Subdivision Regulations of the Village;
- (3) Petition may be made by a group of property owners requesting that said improvements be installed by special assessment; and
- (4) Improvements may be made by agreement with the Village.

(i) Excavations for installing service pipes or repairing the same shall be made in compliance with the provisions of these Codified Ordinances and other applicable Village ordinances.

(j) A curb stop and service extension box shall be installed and shall conform to the size and specification standards specified by the Superintendent of Public Works as set forth in Section 1040.08. The curb stop and service extension box shall be located in a parkway immediately adjacent to the street in which the water main is installed. Said parkway shall be in the public street right of way. Installations to be located elsewhere shall be made only by permit from the Village Board.

(k) The applicant is responsible for furnishing and installing the building service line from the water main to the property line, including the curb stop and service extension box.

(l) It is the stated objective of the Village to improve the water distribution system and to eliminate all nonstandard mains less than four inches in diameter. If new standard mains are installed, the adjacent property owners must connect to the appropriate new main.

- (1) In August of 1977, the Village did cause certain residences located in the Village to be furnished with water from the water distribution system of the Village by means of nonstandard mains.



(2) The owners of said residences and the municipal numbers of said residences are as follows:

Harry and Violet M. Johnson, 406 N. Main St.,  
Elburn, Illinois

Margaret C. Buck, 412 N. Main St.,  
Elburn, Illinois

William & Gloria J. Ring, 420 N. Main St.,  
Elburn, Illinois

(3) The aforesaid nonstandard connections were made due to the fact that a standard water main had not previously been installed in the vicinity of said residences, and the Village determined that it was not economically feasible to install a standard water main to service the three residences set forth above.

(4) The owners of said residences, set forth above, and their successors in title, shall be responsible for all maintenance costs and replacement costs for such nonstandard service connections subsequent to the installation thereof by the Village in August of 1977.

(5) The owners of the residence set forth above, and their successors in title, upon installation of a standard main capable of servicing said residences, shall, at the first available opportunity, connect said residences to the standard water main in accordance with all applicable ordinances of the Village.

(m) The Village shall be responsible for the maintenance and repair of the building service line from the water main to and including the curb stop. The customer shall be responsible for the maintenance and repair of the building service line from the curb stop to his or her building. The Village shall be responsible for the repair of the service extension box, except in cases of willful or negligent damage, in which cases the customer shall be responsible for such repair.

(Ord. 77-1. Passed 2-21-77; Ord. 77-10. Passed 6-20-77; Ord. 77-15. Passed 10-17-77.)

#### 1040.04 APPLICATIONS FOR SERVICE OR USE.

(a) Application for any service or use requested under this chapter shall be made, in writing, on forms provided by the Village, to the Superintendent of Public Works or his or her designate. Every application shall contain:

(1) An agreement by the applicant to abide by and accept all of the provisions of this chapter as conditions governing the use of and/or service from the Village's waterworks system;

(2) A deposit, for the review of the plans and specifications, in an amount sufficient to cover the engineering review of said plans and specifications. All fees not covered by the deposit will be billed to the applicant. Any surplus will be refunded;

(3) At least three copies, where appropriate, of the following information and documents for any improvements to the waterworks system, in accordance with the latest edition of the "recommended Standards for Water Works" and "Addenda" as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers:

- A. A summary of the basis of design.
- B. Operation requirements, where applicable.
- C. General layout at one inch = 100 feet.
- D. Detailed plans.
- E. Specifications.

(4) Copies of any State permits required for said improvements.

(b) Applications, plans, specifications and related documents shall be reviewed by the Superintendent of Public Works and the Village Engineer.

(c) The Planning Commission may review applications for improvements to the waterworks system.

(d) The applicant shall make any necessary changes to comply with this chapter and/or the recommendations of the Superintendent of Public Works and the Village Engineer.

(Ord. 77-1. Passed 2-21-77.)

#### 1040.05 IMPROVEMENT PERMITS.

(a) The applicant shall be issued a permit to begin work after all required changes are made, fees paid and review completed.

(b) Construction of any improvement may begin under the permit and with the supervision of the Superintendent of Public Works.

(Ord. 77-1. Passed 2-21-77.)

1040.06 IN-PLACE PLANS.

Once the construction of any improvement is complete, the applicant shall provide at least two sets of in-place plans for the Department of Public Works and the Village Engineer prior to the request for the commencement of service.  
(Ord. 77-1. Passed 2-21-77.)

1040.07 NEW CONSTRUCTION.

(a) The contractor, builder or property owner of new construction shall apply for water/sewer service concurrently when applying for a building permit. The application for water/sewer service shall be a prerequisite of the issuance of a building permit. Service shall be established as of the date of the issuance of the building permit. All water/sewer connection fees shall be paid concurrently with the submittal of the application for water/sewer service.

(b) Under no circumstances shall water service be turned on by the contractor, builder or property owner without first having complied with this section. Violation of this section shall subject the contractor, builder or property owner to the fines and penalties set forth herein. Each applicant for a building permit for new construction shall be given a copy of this section.

(c) If water service is required by a contractor, builder or property owner during construction, a meter and an approved backflow device shall be installed as is otherwise required by these Codified Ordinances. Upon a satisfactory inspection having been made by the Village, the Village shall cause the curb valve for water service to be turned on.

(d) The contractor, builder or property owner shall pay all usual and customary water/sewer charges.

(e) As is otherwise provided by Village ordinances, a final plumbing inspection will be made of all new construction prior to the issuance of an occupancy permit.  
(Ord. 92-1. Passed 1-6-92.)

1040.08 MATERIAL DESIGN AND CONSTRUCTION SPECIFICATIONS.

(a) Average daily water consumption shall be considered as 100 gallons per capita per day for residential development, or in accordance with Appendix "A," Illustration "A," "Quantities of Sewage Flows," of the latest edition of the Private Sewage Disposal Licensing Act and Code, Department of Public Health, State of Illinois.

(b) Maximum daily water consumption shall be computed on the basis of two times the average daily water consumption.

(c) Maximum hourly water consumption shall be computed on the basis of three times the average daily water consumption. (Ord. 90-2. Passed 2-20-90.)

(d) Fire demand shall be computed for a three-hour duration, except for flows of less than 2,500 gpm, which need to be available for a two-hour duration. Any required duration greater than three hours or fire flow above 3,500 gpm is beyond the capability of the Village water supply and should therefore be provided by the property owner. Consistent with proper fire prevention, the following water supplies shall be available commensurate with the hazards therein:

- (1) Single-family detached residential 1,000 - 1,500 gpm
  - (2) Town/row or cluster housing 1,500 - 2,000 gpm
  - (3) Apartment-type construction 3,000 - 4,000 gpm
  - (4) Industrial and storage 3,000 - 5,000 gpm
  - (5) Research and development laboratories 3,000 - 4,000 gpm
  - (6) Business and commercial areas 3,000 - 4,500 gpm
  - (7) Mercantile centers 3,000 - 6,000 gpm
  - (8) Assembly and educational 3,000 - 4,000 gpm
  - (9) Health care and institutional 3,000 - 4,000 gpm
- (Ord. 95-7. Passed 2-6-95.)

(e) Distribution main size shall be determined by the occupancy of the properties along the line and by the average daily water consumption of each property, plus fire demand. The main shall be of sufficient size to deliver the flow at a residual pressure of not less than twenty pounds per square inch. The main size shall in no case be less than as hereinafter specified.

(f) Water mains and fittings shall be designed for an internal working pressure of 150 psi, plus water hammer allowance multiplied by a factor of safety of two and one-half. External water main pressure shall comply with Standards of the American Water Works Association (AWWA) C150 for the applicable conditions encountered. The net wall thickness for determining the class of pipe shall be of sufficient thickness to satisfy the above conditions, plus an allowance of 0.06 inches for foundry tolerance and 0.08 inches for corrosion. Without calculation to justify pipe class, Class 52 Ductile shall be used.

(g) Materials and specifications shall be as follows:

- (1) Water mains shall be constructed of gray cast iron or ductile cast iron conforming to the following specifications, or the latest editions thereof:
  - A. Ductile cast iron pipe manufactured in accordance with AWWA C151.
  - B. Push-on joints for joining lengths of pipe in accordance with AWWA C110 and C111.

C. Mechanical joints and fittings for joining lengths of pipe and appurtenant fittings in accordance with AWWA C110 or C153 and with AWWA C111.

(2) Gate valve materials shall be in accordance with Section 4 of AWWA C500 or AWWA C509 for resilient gate valve, or the latest edition thereof.

(3) Fire hydrant materials shall be in accordance with Section 4 of AWWA C502, or the latest edition thereof.

(4) Copper tubing shall be Type "K," soft temper for underground service, conforming to standards of the American Society for Testing and Materials (ASTM) B-88 and B251, or the latest edition thereof.

(h) Distribution systems shall comply with the following:

(1) The grid of secondary distribution mains supplying residential districts shall have a minimum pipe size of six inches in diameter, and arranged so that the lengths between intersecting mains do not exceed 600 feet. Where longer lengths of six-inch mains are necessary, eight-inch or larger intersecting mains shall be used. Minimum pipe size supplying commercial and industrial areas shall be eight inches.

(2) Water mains serving cul-de-sacs or permanent dead-end streets shall be a minimum of six inches in diameter and shall be looped in the street right of way or through an easement or other right of way to another main in the grid.

(3) Water mains shall generally be located in the parkway between street and sidewalk and shall have a minimum cover of five feet. Whenever possible, a water main must be laid at least ten feet horizontally from any existing or proposed drain or sewer line. Whenever water mains must cross house sewers, storm drains or sanitary sewers, the water main shall be laid at such an elevation that the invert of the water main is eighteen inches above the crown of the drain or sewer.

(4) Gate valves shall be located so that service can be maintained with the least disruption to the system in the case of a break or other emergency. In no case shall valves be located more than 600 feet apart on secondary distribution mains or 1,500 feet apart on primary feeder mains. Valves six inches in diameter or greater shall be located in a valve vault with a minimum of four feet inside diameter. Gate valves shall be of a make common to the Village. Valves shall have a standard operating nut and shall open in a counter-clockwise direction. Gate valves shall be in accordance with AWWA C500 or AWWA C509, or the latest edition thereof.

(Ord. 90-2. Passed 2-20-90.)

(5) Fire hydrants shall be installed throughout the entire waterworks system and shall normally be located at street intersections. In no case shall the interval between hydrants exceed 400 feet in single-family residential districts and 300 feet in multiple-housing, commercial or industrial developments. All portions of all lots shall be within 200 feet of a fire hydrant unless a variance is specifically granted by the Planning Commission, after inspection by the Fire Inspector having jurisdiction thereof and by the Village Engineer. Fire hydrants shall be of one of the following types: Waterous "150," Mueller Centurion, East Jordan or Clow. Hydrants shall have a minimum barrel diameter of five inches, with one four and one-half inch pumper connection and two and one-half inch hose connections. All connections shall face the street and shall be a minimum of eighteen inches above finished grade.

(Ord. 93-16. Passed 8-2-93.)

(i) All water mains and appurtenances thereto shall be pressure-tested and disinfected before they are put into service as follows:

(1) The pressure test shall be conducted at 150 percent of the usual operating pressure in the waterworks system, but not less than 100 psi nor more than 150 psi. All pressure tests will be conducted under the supervision of a representative of the Village. The allowable leakage for various pressures and pipe diameters shall not exceed AWWA C600, or the latest edition thereof.

(2) The disinfection shall be the responsibility of the installer, who shall, under the supervision of a representative of the Village, take samples which shall be submitted to the Illinois Environmental Protection Agency Laboratory, or another approved testing laboratory, for bacteriological analysis. Acceptable bacteriological test results shall be required before the water mains will be permitted to be put into service. Water mains and appurtenances shall be disinfected in general accordance with the latest edition of AWWA C601.

(j) Connections to existing water mains shall be made with a tapping tee and valve unless otherwise permitted by the Village. Work shall be so scheduled and timed as to cause the least possible interference with the operation of the existing water distribution system. Water shall not be allowed to flow from the new mains into the existing mains until the new mains have been thoroughly flushed and sterilized. Care should be taken so as not to cause turbulence in the existing mains.

(k) Service connections to the mains shall be made by tapping the water main and installing a corporation stop. Service lines shall be a minimum of three-quarter inch Type "K" copper tubing, or its equivalent, from the main to the meter. A curb

stop shut-off with a service extension box shall be set in the service line approximately seven feet from the property line. The size and specification standards of the service line fittings shall be as specified by the Superintendent of Public Works. Service connections and lines to within seven feet of the property line shall be installed with the installation of all secondary water mains. Meters shall be furnished by the Village at the time the application for usage is made.

(Ord. 90-2. Passed 2-20-90.)

#### **1040.09 INSPECTION AND ENFORCEMENT.**

(a) Powers and Authority of Inspectors.

- (1) The Superintendent, and other duly authorized employees of the Village bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, repair, replacement, installation and testing of meters, automatic meter-reading equipment, touch pad, wiring, water lines and accessories in accordance with the provisions of this chapter and Chapter 1042 "Water Rates and Charges."
- (2) While performing the necessary work on private properties, the Superintendent or duly authorized employees of the Village shall observe all appropriate safety rules.

(b) Specifications and Rules. The Village President and the Village Board are hereby authorized to make such rules and regulations as are consistent with the terms of this chapter for the connection to and the operation and maintenance of the waterworks system, specifying, in addition to the specifications contained herein, the types and sizes of pipes and all other appurtenances and extensions thereto, and shall amend the same from time to time as may be deemed necessary. All service pipes and connections to the waterworks system shall comply with the aforesaid specifications and rules in all respects.

(c) Enforcement. A copy of this chapter, properly certified by the Village Clerk, shall be filed in the office of the Recorder of Deeds of Kane County, and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the waterworks system of the Village on their properties, and it shall be the duty of the Village Clerk, and such other officers of this Village as are deemed necessary, to take all action necessary or required by the laws of the State thereunto enabling the filing of all claims and liens for money due to the Village, and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State.

(Ord. 77-1. Passed 2-21-77; Ord. 2002-24. Passed 9-16-02.)

#### **1040.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)





CHAPTER 1042  
Water Rates and Charges

- |   |                                      |
|---|--------------------------------------|
| 1042.01 Purpose; establishment.         | 1042.05 Destruction of improvements; |
| 1042.02 Waterworks usage and rates.     | discontinuance of service and        |
| 1042.03 Water bills.                    | connection due to delinquency        |
| 1042.04 Liability for payment of bills. | or lack of meter.                    |
|   | 1042.07 Adjustments.                 |
|   | 1042.99 Penalty.                     |

CROSS REFERENCES

- Obstruction of watercourses - see GEN. OFF. 624.08
- Water pollution - see GEN. OFF. 624.08; S.U. & P.S. 1060.03
- Stagnant pools - see GEN. OFF. 624.09
- Municipal Utility Tax - see B.R. & T. Ch. 894
- Water use restrictions - see S.U. & P.S. Ch. 1044
- Cross-connection control - see S.U. & P.S. Ch. 1046
- Water in mobile home parks - see B. & H. 1470.12(g)(1)

**1042.01 PURPOSE; ESTABLISHMENT.**

The waterworks service charges are for the privilege of services for furnishing adequate capacity of water supply, storage and major distribution and for materials for extending, connecting to, expanding or replacement of the waterworks system ready to serve the applicant's lot, parcel or tract of land.

- (a) Meter and Automatic Meter Reader Charges. All meters, automatic meter readers and accessories shall be furnished by the Village upon application to the Village and upon payment to the Village of the Village's annually published cost that shall include cost of the meter, the cost for shipping and handling, storing, and administrative costs, plus a sixty-dollar (\$60.00) installation charge. Unusual installation requests made by the customer that can be satisfied by the Village may result in additional installation costs to be paid by the customer; said additional costs shall be determined by the Superintendent of Public Works. (Ord. 97-11. Passed 6-16-97; Ord. 98-16. Passed 7-20-98.)

- (b) Water Service Pipe Charges.

<u>Size</u>	<u>Charge</u>
(1) 3/4 inch service pipe	\$125.00
(2) 1 inch service pipe	175.00
(3) 1-1/4 inch and larger	Cost of material and labor plus 25%

- (c) Obligations of Village and Customer Upon Payment. In return for payment of the above charges, the Village will make a service tap to an existing water main

and install a corporation stop. The customer or property owner shall, at his or her expense:

- (1) Install all materials to, and including, the curb stop and service box (Buffalo Box) all on a publicly dedicated street right of way or utility easement, with the service box being located approximately seven and one-half feet from the customer's property line.
  - (2) Excavate and backfill the service trench from the water main to the service box, and return any public or privately owned property, street, driveway or utility to its original condition or better. Backfill for all service trenches under streets or driveways shall be approved aggregate trench backfill for the full depth of the trench. When required by the Village, the service shall be pushed or bored under the street at the customer's expense.
- (d) Inspection Charge. There shall be a charge of forty dollars (\$40.00) for inspecting the connection to the service box and the installation of the customer's service pipe up to the building foundation.  
(Ord. 88-6. Passed 4-4-88.)
- (e) Waterworks Connection Charge. For the privilege of connecting to the existing water supply, treatment, storage and distribution system, the following connection charges shall apply and shall be paid to the Village prior to the connection of either a building service pipe or a new main extension:
- |   |            |
|---|------------|
| (1) Single or multifamily residential land use (3.23 PE/unit) | \$2,839.00 |
| (2) Apartments or condominium:                                |            |
| 1 Bedroom (1 P.E./Unit)                                       | \$879.00   |
| 2 Bedroom (2 P.E./Unit)                                       | \$1,758.00 |
| 3 Bedroom or greater (3 P.E./Unit)                            | \$2,637.00 |
| (3) Business  |            |
| per 1,000 square feet of building floor area                  | \$250.00   |
| with a minimum charge of                                      | \$930.00   |
| (4) Industrial  |            |
| per acre of property  | \$500.00   |
| with a minimum charge of                                      | \$930.00   |

The charges shall be greater of the charges, or those provided in any ordinance or any agreement between the Village and any other parties which cause the waterworks system to be extended to the point of proposed connection.  
(Ord. 96-17. Passed 5-20-96.)

- (f) Recapture Charges for Waterworks Service Connection. For the privilege of making a service connection to any existing water main which has been installed by the Village or others, the cost of which was not participated in by present or past owners of the property being connected the following recapture charge shall be paid to the Village before the service connection is made or a building permit issued.

However, the recapture charges shall not be less than as are provided in any ordinance or any agreement between the Village and other parties which caused the existing water main to be constructed.

The above charges shall be in addition to those set forth in Sections 1042.02(c) and 1042.03.

For the first 20 fixture units connected to said service	\$400.00
For the next 50 fixture units	15.00/F.U.
For the next 130 fixture units	10.00/F.U.
For all over 200 fixture units	7.50/F.U.

The fixture units shall be computed according to Table A.3.5, Appendix A of the Illinois State Plumbing Code and National Bureau of Standards Report BMS-79 and BMS-66.

If, after the waterworks service charges or assessments have been paid, there is a change in the use of the property which results in a higher demand classification, the difference between the waterworks connection charges for the new demand and the old demand shall be paid at the time of application for a building permit.

(Ord. 88-6. Passed 4-4-88; Ord. 97-11. Passed 6-16-97; Ord. 2002-24. Passed 9-16-02; Ord. 2010-29. Passed 10-4-10; Ord. 2012-15. Passed 7-16-12.)

**1042.02 WATERWORKS USAGE AND RATES.**

- (a) Water Meters.

- (1) Water meters, automatic meter readers, and accessories shall be installed on all water services (including existing residences and businesses) as required for the particular services, at the customer's expense. The size of the water meter shall be established based upon the probable demand load. The demand load shall be based upon the number and kind of fixtures or connections installed and on the probable simultaneous use of these fixtures or connections, to wit:

<u>Peak Rate Demand</u> <u>Load (g.p.m.)</u>	<u>Fixture Units</u> <u>Installed Totals</u>	<u>Size of Meter</u> <u>(Minimum in inches)</u>
24	0-30	3/4
40	Over 30-80	1

<u>Peak Rate Demand Load (g.p.m.)</u>	<u>Fixture Units Installed Totals</u>	<u>Size of Meter (Minimum in inches)</u>
80	Over 275-500	1-1/2
120	Over 275-500	2
240	Over 500-1250	3
400	Over 1250-2500	4
800	By Village approval	6

- (2) All meters shall be purchased from and maintained by the Village at the expense of the applicant. All meters furnished by the Village will include an outside remote reading head. The meter and automatic meter reader and accessories will be furnished at the time of application and upon payment of all service charges.
- (3) The water meter and remote reading head shall be installed by the Village. The water meter shall be installed in the basement or utility room, or in an accessible location where the meter can be removed without the removal of any part of the building structure. The meter shall not be installed in the following locations: in crawl spaces, under kitchen cabinets or sinks, in living rooms, under enclosed stairways, in locations where meters are subjected to flooding or freezing, or in coal bins, ventilation shafts, electrical panels or cabinets. The location of the meter shall be not more than 25 feet from the exterior remote reading head. The remote reading head shall be installed on the outside of the building, in a location that allows said meter to be read without obstruction or entering the building or enclosure.
- (4) The metering facilities shall be installed in such a manner as to be plumb so as to ensure permanent attachment to a rigid, vibration-free wall or structure.
- (5) For all customers who remodel, improve or change any structure or building for which a building permit is required, the remote reading head furnished by the Village shall be installed by the Village, and gate valves shall be required before each meter.  
(Adopting Ordinance)

(b) Reading Meters. The Superintendent of Public Works shall read or cause to be read every water meter used in the Village at such times as are necessary to ensure that bills are sent out on time.  
(Ord. 77-1. Passed 2-21-77.)

(c) Basic Water Service Charges. The water service charge for the use of and for service supplied by the water facilities of the Village shall consist of a basic user charge, a debt service charge, and a capital improvement charge.

- (1) The basic user charge is levied on all users to recover the operation, maintenance and replacement (OM&R) costs and shall be based on water usage as recorded by water meters.
- (2) 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.
  - C. Compute costs per 100 cubic feet.
- (3) The debt service charge is computed by apportioning the annual debt service as a charge per 100 cubic feet.
- (4) 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 a flat charge per customer account.

(d) Monthly Water Service Charge. The meter rates per month for water furnished to customers of the Village shall be as follows:

- (1) The basic user charge for the first 100 cubic feet of water, or any part thereof, furnished per month, the rate shall be three dollars and sixty-two cents (\$3.62) and for each additional 100 cubic feet of water furnished, or part thereof, the rate shall be three dollars and sixty-two cents (\$3.62) applied to all users to recover OM&R costs.
- (2) Debt service charge. There shall be and there is hereby established a debt service charge of \$0.00 per 100 cubic feet per month to each user of the water facility.
- (3) Capital improvement charge. There shall be and there is hereby established a capital improvement charge of five dollars and fifty cents (\$5.50) per month to each user of the water facility.
- (4) Rates. A minimum charge of five dollars and fifty cents (\$5.50) per month shall be applied to all users. The aforesaid rates shall apply to monthly periods, and the charge shall be based upon meter readings or reasonable estimates thereof.
- (5) Additional charges shall apply as follows:
  - A. There is an additional charge for private fire service connection as follows: for each six-inch or less private fire service connection, sixty-five dollars (\$65.00) per year; for each eight-inch private fire service connection, one hundred twenty-five dollars (\$125.00) per year.
  - B. Notwithstanding the foregoing, the rate per month for water furnished to premises located outside of the corporate limits of the Village shall

be four dollars and seventy-one cents (\$4.71) for the first 100 cubic feet of water, or part thereof, furnished per month. For each additional 100 cubic feet of water furnished, or part thereof, the rate shall be four dollars and seventy-one cents (\$4.71). The minimum charge for any monthly period, or part thereof, shall be seven dollars and fifteen cents (\$7.15).

- (6) For any customer of the Village who has on a minimum of two occasions paid water bills by check, and said check or checks were returned to the Village because of nonsufficient funds, or other refusal of the bank to pay the full amounts indicated on the face of the check, the Village may thereafter refuse to accept all future payments made by that customer if made by check; and the Village may insist that all future payments made by that customer be paid by cash, credit card, money order, cashier's check or certified check.

(Ord. 86-2. Passed 7-7-86; Ord. 2005-12. Passed 7-5-05.)

- (7) The adequacy of the water service charge shall be reviewed, not less often than annually, by certified public accountants for the Village, in their annual audit report. The water service charge shall be revised periodically to reflect a change in local capital costs or OM&R costs.

(Ord. 86-2. Passed 7-7-86; Ord. 2005-12. Passed 7-5-05.)

(e) Discontinuance of Service.

- (1) If any bill for the use or service of the Village waterworks system is not paid by the due date stamped thereon, a 10% penalty shall be assessed.
- (2) If any bill for the use or service of the waterworks system is not paid within 30 days after the due date, the use or service for which the bill is delinquent may be discontinued following notice of delinquency to the owner, and to the tenant(s) if it is a rental property, and shall not be reinstated until all charges are paid in full.
- (3) Failure to pay the bill for use of the Village waterworks system within 30 days of its due date may result in termination of the service. The Department of Public Works shall be responsible for shutting off service, but only after receiving a signed authorization form from the Superintendent of Public Works or the Village Administrator. However, in no event shall service be discontinued without first affording the customer notice and an opportunity to discuss the matter at a meeting with the Superintendent of Public Works or Village Administrator. The customer shall have the right to appeal the decision of the Superintendent of Public Works or Village Administrator to the Public Works Committee.
- (4) In the event service has been terminated, the service shall not be reinstated until the customer has paid all bills, and paid a reinstatement fee in the amount of twenty-five dollars (\$25,00).

- (5) The Village Attorney may be authorized, pursuant to State statutes, by the Superintendent of Public Works, to institute the appropriate proceedings to place a lien against the property for which the water bill is unpaid. The lien shall not be removed until such time as all water service bills are paid. The Village Attorney may also be authorized by the Superintendent of Public Works to obtain or secure collection of any charges due hereunder that remain unpaid, including reasonable attorneys' fees and court costs. (Ord. 94-13. Passed 6-20-94; Ord. 2002-24. Passed 9-16-02; Ord. 2010-29. Passed 10-4-10; Ord. 2012-15. Passed 7-16-12.)

#### **1042.03 WATER BILLS.**

(a) Dates of Bills. Bills for the use of the Village waterworks system shall be rendered monthly, however nothing in this section shall preclude the Village from billing customers in cycles which may occur on different weeks of the month, however such cycles shall be regular from month to month. (Ord. 87-16. Passed 12-3-87; Ord. 2005-12. Passed 7-5-05; Ord. 2010-29. Passed 10-4-10; Ord. 2012-15. Passed 7-16-12.)

(b) Delinquent Bills. (Editor's Note: Subsection (b) was repealed by Ordinance 94-13, passed June 20, 1994.)

#### **1042.04 LIABILITY FOR PAYMENT OF BILLS.**

The owner of a premises and the occupant thereof shall be jointly and severally liable for the payment of any bill rendered by the Village for such use or uses. (Ord. 77-1. Passed 2-21-77; Ord. 2010-29. Passed 10-4-10; Ord. 2012-15. Passed 7-16-12.)

#### **1042.05 DESTRUCTION OF IMPROVEMENTS; DISCONTINUANCE OF SERVICE AND CONNECTION DUE TO DELINQUENCY OR LACK OF METER.**

In the event that the improvements serviced by the waterworks system, or any portion thereof, are destroyed by fire, razing or in any other manner, the Superintendent may, in his or her discretion, discontinue the service to such improvement for such time period as is necessary for the protection of the residents of the Village and the waterworks system, and may cause such service to be resumed at no charge to the customer. (Ord. 77-1. Passed 2-21-77; Ord. 2010-29. Passed 10-4-10; Ord. 2012-15. Passed 7-16-12.)

#### **1042.07 ADJUSTMENTS.**

The Superintendent of Public Works or the Village Administrator may authorize a billing adjustment in cases of Village-owned equipment failure. Records of each adjustment shall be kept on file with the Utility Billing Clerk. (Ord. 2005-12. Passed 7-5-05; Ord. 2010-29. Passed 10-4-10; Ord. 2012-15. Passed 7-16-12.)

**1042.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)



CHAPTER 1044  
Water Use Restrictions

1044.01	Definitions.	1044.06	Handheld hoses or drip-type irrigation.
1044.02	Application of regulations.	1044.07	Emergency restrictions.
1044.03	Use restrictions.	1044.08	Restricted purposes.
1044.04	Time restrictions.	1044.99	Penalty.
1044.05	Sod laying and seeded lawn installation restrictions; permit required.		

CROSS REFERENCES

Obstruction of watercourses - see GEN. OFF. 624.08  
 Water pollution - see GEN. OFF. 624.08; S.U. & P.S. 1060.03  
 Stagnant pools - see GEN. OFF. 624.09  
 Municipal Utility Tax - see B.R. & T. Ch. 894  
 Water rates and charges - see S.U. & P.S. Ch. 1042  
 Cross-connection control - see S.U. & P.S. Ch. 1046  
 Water in mobile home parks - see B. & H. 1470.12(g)(1)

**1044.01 DEFINITIONS.**

For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Person". Any person, firm, partnership, association, corporation, company or organization of any kind.
- (b) "Village". The Village of Elburn.
- (c) "Water". Water from any Village water supply system or storm water management system, including any Village-owned or maintained lake, pond, river, stream, or any other body of water.  
(Ord. 2005-15. Passed 7-11-05.)

**1044.02 APPLICATION OF REGULATIONS.**

The provisions of this chapter shall apply to all persons using water provided or owned by the Village, and regardless of whether or not the person using water shall have a contract for water service with the Village.  
(Ord. 2005-15. Passed 7-11-05.)

**1044.03 USE RESTRICTIONS.**

The use and withdrawal of water by any person for any of the following purposes is subject to the time restrictions set forth in Section 1044.04:

- (a) Watering Yards and Gardens. The sprinkling, watering or irrigating of lawns, grass, sod, shrubbery, trees, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation with sprinkling devices. The use of root feeders and drip-type irrigation devices are exempt from this provision.
- (b) Cleaning Outdoor Surfaces. The washing of sidewalks, driveways, filling station aprons, porches, decks and any other outdoor surfaces.
- (c) Ornamental Fountains. The operation of any ornamental fountain or other structure not employing a recirculation system.
- (d) Swimming Pools. Swimming and wading pools with a capacity greater than 50 gallons and not employing a recirculation system.  
(Ord. 2005-15. Passed 7-11-05.)

**1044.04 TIME RESTRICTIONS.**

All persons using Village water subject to the use restrictions in Section 1044.03 of this chapter shall be subject to the following time restrictions regarding use of Village water:

- (a) Odd/Even Schedule. All properties with even numbered street addresses, based on the last digit of the address, may use water for the restricted purposes set forth in Section 1044.03 of this chapter on even numbered days of the month only, and all properties with odd numbered street addresses, based on the last digit of the address, may use water for such restricted purposes on odd numbered days of the month only.
- (b) Restricted Hours. Water from the Village water distribution system may be used for the restricted purposes set forth in Section 1044.03 of this chapter only between the hours of 6:00 a.m. and 9:00 a.m. and between 6:00 p.m. and 9:00 p.m. Central Standard Time or Central Daylight Savings Time, as the case may be.  
(Ord. 2005-15. Passed 7-11-05.)

**1044.05 SOD LAYING AND SEEDED LAWN INSTALLATION RESTRICTIONS; PERMIT REQUIRED.**

(a) No person shall lay, cause to be laid, seed, or cause to be seeded, any sod or seed lawn in the Village except as permitted in the manner hereinafter set forth.

(b) A permit issued by the Building Department is required for the installation of all sodded and seeded lawns. The application for a sod laying and seeded lawn installation permit shall include the following information and shall be submitted to the Village on forms provided by the Building Department:

- (1) The address of the property where the sod or seed is to be installed;
- (2) The name and address of the owner of said property;
- (3) The name and address of the installation contractor;
- (4) The number of square yards of sod or seed to be installed;
- (5) The proposed date of installation.

(c) The issuance of a sod laying and seeded lawn installation permit shall allow the permittee to water the newly installed sod or seed utilizing sprinkling device(s) for a period of time not to exceed eight hours on the first day. For the next consecutive nine days watering shall be permitted between the hours of 6:00 a.m. and 9:00 a.m., and between 6:00 p.m. and 9:00 p.m. Following said first ten-day period, the permittee must comply with the odd/even schedule set forth in Section 1044.04.

(d) The sod laying and seeded lawn installation permit shall include the following information to be displayed in a window on the property affected, visible from a public street:

- (1) Permit number;
- (2) Street address of the sod or seed installation;
- (3) Exact sod or seed placement date;
- (4) First day permitted watering hours (eight hours maximum); date and hours;
- (5) Next nine day watering period; dates;
- (6) Permit expiration date (resumption of even/odd schedule);
- (7) Signature of the issuing Village employee.

(e) No person requiring a permit shall permit water from the Village's water supply to run off into any gutter, ditch, drain or street inlet.

(f) The sod laying and seeded lawn installation permit fee shall be twenty-five dollars (\$25.00) for each lawn sodded or seeded and shall be paid at the time of application. (Ord. 2005-15. Passed 7-11-05.)

#### **1044.06 HANDHELD HOSES OR DRIP-TYPE IRRIGATION.**

Watering by handheld hoses or the use of drip-type irrigation water devices shall be permitted during any day of the month, at any time of the day for the following uses only:

- (a) Washing cars provided that all water hoses are equipped with positive shut off nozzles;
  - (b) Watering flowers, trees (including root feeders), shrubs and gardens;
  - (c) Watering of lawns;
  - (d) Filling of wading pools under 50 gallons of capacity.
- (Ord. 2005-15. Passed 7-11-05.)

**1044.07 EMERGENCY RESTRICTIONS.**

Notwithstanding the provisions of Sections 1044.03 through 1044.05 above, in the event of the imminent reduction of a continuing supply of water to Village inhabitants and businesses that will have a deleterious effect on the public health, safety, and welfare and that a state of emergency exists, the Village President may impose outdoor water use restrictions regarding the use and withdraw of water pursuant to the provisions of Section 1044.03 and 1044.05.

(Ord. 2005-15. Passed 7-11-05; Ord. 2005-19. Passed 7-25-05.)

**1044.08 RESTRICTED PURPOSES.**

It shall be unlawful for any person to use water subject to use restrictions on days, or at locations, or by devices other than specified herein.

(Ord. 2005-15. Passed 7-11-05.)

**1044.99 PENALTY.**

Any person violating or failing to comply with any of the provisions of this chapter shall be subject to the penalty as provided for by Section 202.99 of these Codified Ordinances. Each day shall constitute a separate offense.

(Ord. 2005-15. Passed 7-11-05.)

CHAPTER 1046  
Cross-Connection Control

- 1046.01 Plumbing installation standards; backflow prevention devices.
- 1046.02 Connections of private to public water supplies.
- 1046.03 Surveys and investigations to determine hazards.
- 1046.04 Right of entry; duty to furnish information.
- 1046.05 Discontinuance of water service.
- 1046.06 Responsibility for clean-up costs.
- 1046.07 Rules and regulations.

CROSS REFERENCES

- Obstruction of watercourses - see GEN. OFF. 624.08
- Water pollution - see GEN. OFF. 624.08; S.U. & P.S. 1060.03
- Stagnant pools - see GEN. OFF. 624.09
- Municipal Utility Tax - see B.R. & T. Ch. 894
- Water connections - see S.U. & P.S. 1040.02(e), (h), (k), 1040.03, 1042.01(e), (f)
- Water rates and charges - see S.U. & P.S. Ch. 1042
- Water use restrictions - see S.U. & P.S. Ch. 1044
- Water in mobile home parks - see B. & H. 1470.12(g)(1)

1046.01 PLUMBING INSTALLATION STANDARDS; BACKFLOW  
PREVENTION DEVICES.

All plumbing installed within the Village of Elburn shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent of Public Works, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Public Works will give notice to the water customer to install such an approved device immediately. The water customer shall, at his or her own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, the Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, the Illinois Environmental Protection Agency and local regulations. (Ord. 92-2. Passed 1-6-92.)

1046.02 CONNECTIONS OF PRIVATE TO PUBLIC WATER SUPPLIES.

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 Elburn, may enter the supply or distribution system of said Municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Public Works and the Illinois Environmental Protection Agency.

(Ord. 92-2. Passed 1-6-92.)

1046.03 SURVEYS AND INVESTIGATIONS TO DETERMINE HAZARDS.

It shall be the duty of the Superintendent of Public Works to cause surveys and investigations to be made of commercial, 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 Public Works shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

(Ord. 92-2. Passed 1-6-92.)

1046.04 RIGHT OF ENTRY; DUTY TO FURNISH INFORMATION.

The approved cross-connection control device inspector, being either the Superintendent of Public Works or his or her 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 Elburn for the purpose of verifying the presence or absence of cross-connections, and the Superintendent of Public Works or his or her 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 Elburn 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 Public Works any information which he or she 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 Public Works, be deemed evidence of the presence of improper connections as provided in this chapter.

(Ord. 92-2. Passed 1-6-92.)

1046.05 DISCONTINUANCE OF WATER SERVICE.

The Superintendent of Public Works of the Village of Elburn is hereby authorized and directed to discontinue, after forty-eight hours notice to the occupant thereof, the water service to any property wherein any connection in violation of the

provisions of this chapter is known to exist, and to take such other precautionary measures as he or she 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 chapter, and until a reconnection fee of two hundred dollars (\$200.00) is paid to the Village. Immediate disconnection with verbal notice can be effected when the Superintendent of Public Works 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 effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent of Public Works 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 Village of Elburn, nor the Superintendent of Public Works, nor 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 chapter, whether or not said termination was with or without notice.  
(Ord. 92-2. Passed 1-6-92.)

#### 1046.06 RESPONSIBILITY FOR CLEAN-UP COSTS.

The consumer responsible for back-siphoned or back-pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.  
(Ord. 92-2. Passed 1-6-92.)

#### 1046.07 RULES AND REGULATIONS.

The following rules and regulations shall apply to this chapter:

(a) General Policy.

(1) Purpose. The purpose of these rules and regulations is:

A. To protect the public 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.

B. To promote the elimination or control of existing cross-connections, actual or potential, between the public or the consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

C. To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and the consumer's potable water systems.

(2) Application. These rules and regulations shall apply to all premises served by the public potable water supply system of the Village of Elburn.

(3) Policy. The owner or 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 Public Works or his or her authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Public Works shall give notice to the consumer to install such an approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such an approved device or devices at his or her own expense. Failure, refusal or inability on the part of the consumer to install such a 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 paragraph (e)(4) hereof for a period of at least five years. The Superintendent of Public Works may require the consumer to submit a cross-connection inspection report to the Village of Elburn 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.

(b) Definitions. The following definitions shall apply in the enforcement of these regulations:

(1) "Agency" means the Illinois Environmental Protection Agency.

(2) "Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, the Association of State Sanitary Engineers, American Water Works Association, or the American National Standards Institute or certified by the National Sanitation Foundation.

(3) "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, streams, or process fluids,



or used water. These waters may be polluted, contaminated, objectionable or constitute a water source or system over which the water purveyor does not have control.

(4) “Backflow” means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

(5) “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.

(6) “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.

(7) “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.

(8) “Contamination” means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

(9) “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. Direct cross-connection means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance. 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.

(10) “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 shut-off valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.

(11) “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.

(12) “Health hazard” means any condition, device or practice in a 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 a 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 604.

(15) “Plumbing” means the actual installation, repair, maintenance, alteration or extension of a 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 604 for drinking, culinary, and domestic purposes.

(18) “Potential cross-connection” means a fixture or appurtenance with a 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, pollutional, 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 originating 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 fifteen service connections or which regularly serve at least twenty-five persons at least sixty 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 shut-off 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 that 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 a consumer's potable water system.

(25) "Used water" means 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 or official custodian of a public water system.

(c) Water System.

(1) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(2) 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 Public Works up to the point where the consumer's water system begins.

(3) 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.

(4) 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.

(5) 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.

(Ord. 92-2. Passed 1-6-92.)

(d) Cross-Connection Prohibited. Connections between potable water systems and other systems of equipment containing water or other substances of unknown or questionable quality are prohibited.

(Ord. 95-29. Passed 6-19-95.)

(e) Survey and Investigations.

(1) 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 for testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(2) On request by the Superintendent of Public Works, or his or her 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 Public Works for the verification of information submitted by the consumer to the public water supply custodian.

(3) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his or her premises to determine whether there are actual or potential cross-connections to his or her water system through which contaminants or pollutants could backflow into his or her or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Ill. Rev. Stat. 1987, Ch. 111, par. 1103(1).

(4) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

A. All cross-connections shall be removed, or approved cross-connection control devices shall be installed for control of backflow and back-siphonage.

B. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.

C. 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).

D. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.

E. Records submitted to the Superintendent of Public Works shall be available for inspection by Agency personnel in accordance with Ill. Rev. Stat. 1987, Ch. 111 1/2, par. 1004(e).

F. Each device shall have a tag attached listing the date of the most recent test, the name of the CCCDI, and the type and date of repairs.

G. A maintenance log shall be maintained and shall include:

1. The date of each test;
2. The name and approval number of the person performing the test;
3. The test results;

4. The repairs or servicing required;
5. The repairs and date completed; and
6. Servicing performed and the date completed.

(f) Where Protection Is Required.

(1) 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 Public Works, actual or potential hazards to the public water supply system exist.

(2) 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:

A. Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent of Public Works and the source is approved by the Illinois Environmental Protection Agency.

B. 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 originating from the public water supply system which are no longer under the sanitary control of the Superintendent of Public Works.

C. Premises having internal cross-connections that, in the judgment of the Superintendent of Public Works and/or 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.

D. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

E. Premises having a repeated history of cross-connections being established or re-established.

(3) 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 Public Works determines that no actual or potential hazard to the public water supply system exists:

A. Hospitals, mortuaries, clinics and nursing homes.  
B. Laboratories.  
C. Sewage treatment plants, sewage pumping stations or storm water pumping stations.

- D. Food or beverage processing plants.
- E. Chemical plants.
- F. Metal plating industries.
- G. Petroleum processing or storage plants.
- H. Radioactive material processing plants or nuclear reactors.
- I. Car washes.
- J. Pesticide or herbicide or extermination plants and trucks.
- K. Farm service and fertilizer plants and trucks.

(g) Type of Protection Required.

(1) The type of protection required under paragraphs (f)(2)A., B. and C. hereof shall depend on the degree of hazard which exists as follows:

A. 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.

B. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.

C. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(2) The type of protection required under paragraphs (f)(2)D. and E. hereof shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

(3) 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:

A. The fire safety system contains antifreeze, fire retardant or other chemicals;

B. Water is pumped into the system from another source;

C. Water flows by gravity from a non-potable source, or water can be pumped into the fire safety system from any other source;

D. There is a connection whereby another source can be introduced into the fire safety system.

(4) 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.

(h) Backflow Prevention Devices.

(1) 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, the American Water Works Association, the American Society of Sanitary Engineering, the American National Standards Institute, or the National Sanitation Foundation, to be in compliance with applicable industry specifications.

(2) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. The manufacturer's maintenance manual shall be available on-site.

(i) Inspection and Maintenance.

(1) 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 indicate a need or are specified in manufacturers' instructions:

A. 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.

B. Double check valve assemblies shall be inspected and tested at the time of installation and at least annually thereafter, and required service performed within five days.

C. Reduced pressure principle backflow prevention assemblies 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 days.

(2) 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.



(3) Each device shall have a tag attached listing the date of the most recent test or visual inspection, the name of tester, and the type and date of repairs.

(4) A maintenance log shall be maintained and include:

A. The date of each test or visual inspection;  
B. The name and approval number of the person performing the test or visual inspection;

C. Test results;

D. Repairs or servicing required;

E. Repairs and the date completed; and

F. Servicing performed and the date completed.

(5) 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 paragraph (i)(1) hereof.

(6) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent of Public Works.

(j) Booster Pumps.

(1) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shutoff the booster pump when the pressure in the service line on the suction side of the pump drops to twenty psi or less.

(2) 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 Public Works, at least once a year, that the device is operable.

(k) Violations.

(1) The Superintendent of Public Works 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 Public Works, 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.

(2) 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 Public Works, and the required reconnection fee is paid.

(3) 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 Public Works.

(4) Neither the Village of Elburn, the Superintendent of Public Works, nor its agents or assigns, shall be liable to any customers of the Village of Elburn 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 chapter, whether or not said termination of the water supply was with or without notice.

(5) 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 bypassed, must bear the cost of clean-up of the potable water supply system.

(6) Any person found to be violating any provision of this chapter shall be served with written notice stating 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.

(7) Any person violating any of the provisions of this chapter shall, in addition to the fine provided, become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation, including reasonable attorney's fees, whether the same was caused before or after notice.

(Ord. 92-2. Passed 1-6-92.)

TITLE SIX - Sewers  
 Chap. 1060. Sewers Generally.  
 Chap. 1062. Sewer Rates and Charges.

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CHAPTER 1060  
 Sewers Generally

1060.01	Definitions.	1060.07	Building sewers and connections.
1060.02	Deposits of objectionable waste.	1060.08	Improvements and extensions.
1060.03	Discharge of untreated waters to natural outlets.	1060.09	Construction standards and requirements.
1060.04	Toilet facilities and connection to public sewers required.	1060.10	Use of public sewers.
1060.05	Private sewage disposal systems prohibited; exception.	1060.11	Powers and authority of inspectors.
1060.06	Private sewage disposal systems permitted.	1060.99	Penalty.

CROSS REFERENCES

Power to construct and operate sewerage system - see Ill. R.S. Ch. 24, Secs. 11-14-1 et seq.  
 Power to construct and regulate sewers and cesspools - see Ill. R.S. Ch. 24, Sec. 11-109-1  
 Power to regulate sewer use and charges - see Ill. R.S. Ch. 24, Sec. 11-141-7  
 Municipal Utility Tax - see B.R. & T. Ch. 894  
 Obstruction of drains - see S.U. & P.S. 1020.04(l)  
 Sewer rates and charges - see S.U. & P.S. Ch. 1062  
 Drainage in mobile home parks - see B. & H. 1470.12(b)  
 Sewers in mobile home parks - see B. & H. 1470.12(g)(2), (3)  
 Storm water runoff control - see B. & H. Ch. 1478

1060.01. DEFINITIONS.

As used in this chapter and Chapter 1062:

- i. Accrued Reserves. "Accrued reserves" means a method of keeping accounts of the segregated resources, over several years, to determine the funds available to offset capital expenditures to maintain an ongoing, on-line waste treatment facility.
- ii. Act. "Act" means the Federal Water Pollution Control Act, as amended, Public Law 95-217 (33 USC 1251 et seq., as amended).
- iii. Administrator. "Administrator" means the Regional Administrator of Region V of the U.S. Environmental Protection Agency.
- iv. Audit. "Audit" means an audit as a separate report from other funds in accordance with General Services Administration Policy Circular, FMC 73-2, and shall cover the following:
  - (1) Financial operations are properly conducted;
  - (2) Financial reports are presented fairly;
  - (3) Applicable laws and regulations have been complied with;
  - (4) Resources are managed and used in an economical and efficient manner;
  - (5) Desired results and objectives are being achieved in a financially effective manner; and
  - (6) Records of audit of the industrial cost recovery system charges and expenditures are being retained for the useful life of the improvement.
- v. Authority. "Authority" means the Village of Elburn of the County of Kane and the State of Illinois.
- vi. Authorized Expenditures. "Authorized expenditures" means those expenditures authorized by the Village Board made payable from the accounts kept for the expenditures of the user charges and Industrial Cost Recovery System. Expenditures from reserves shall be limited to those for which the reserve was created.
- vii. Basic User Charge. "Basic user charge" means the basic assessment levied on all users of the public sewer system.
- viii. Billable BOD. "Billable BOD" means a user's loading in pounds of BOD, calculated using the billable flow and concentration of BOD in the waste as determined by the Village. Minimum waste strength of BOD shall be the domestic waste concentration of 340 mg/l per sixty gallons per capita per day.
- ix. BOD. "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.

x. Billable Flow. "Billable flow" means a user's recorded quarterly and/or monthly water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer-exempt metered data, times the Village approved percentage factor for wastewater entering the sewer system out of the metered water. Residential users being billed for the summer quarter shall be billed on the average of the user's previous nonsummer billable flows, as determined with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.

xi. Billable P. "Billable P" means a user's loading in pounds of phosphorus calculated using the billable flow and concentration of phosphorus in the waste as determined by the Village. Minimum waste strength of P shall be the domestic concentration of twenty mg/l per sixty gallons per capita per day.

xii. Billable SS. "Billable SS" means a user's loading in pounds of SS calculated using the billable flow and concentration of SS in the waste as determined by the Village. Minimum waste strength of SS shall be the domestic waste concentration of 400 mg/l per sixty gallons per capita per day.

xiii. Building Drain. "Building drain" means 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 which conveys such drainage to the building sewer or other approved point of discharge, beginning five feet (1.5 meters) outside the inner face of the building wall.

xiv. Building Drain, Sanitary. "Sanitary building drain" means a building drain which conveys sanitary or industrial sewage only.

xv. Building Drain, Storm. "Storm building drain" means a building drain which conveys storm water or other clear water drainage, but no wastewater.

xvi. Building Sewer. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

xvii. Building Sewer, Sanitary. "Sanitary building sewer" means a building sewer which conveys sanitary or industrial sewage only.

xviii. Building Sewer, Storm. "Storm building sewer" means a building sewer which conveys storm water or other clear water drainage, but no sanitary or industrial sewage.

xix. Classes of Users. "Classes of users" means the division of wastewater treatment customers by waste characteristics and process or discharge similarities.

xx. Collection Sewer. "Collection sewer" means a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

xxi. Combined Sewage. "Combined sewage" means wastes, including sanitary sewage, industrial sewage, storm water and infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

xxii. Combined Sewer. "Combined sewer" means a sewer which is designed and intended to receive wastewater and storm, surface and groundwater drainage.

xxiii. Commercial User. "Commercial user" means, for the purpose of the user charge system, a user engaged in the purchase or sale of goods or the transaction of business or who otherwise renders a service.

xxiv. Control Manhole. "Control manhole" means 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.

xxv. Deposit. "Deposit" means funds placed in control of the Village Board and, if said deposit is in the form of a bank check, it shall not be deemed collected within this definition until the applicable rules of the bank's collection procedures are fulfilled.

xxvi. Depreciation. "Depreciation" means an annual operating cost reflecting the capital consumption and obsolescence of real and personal properties.

xxvii. Debt Service Charge. "Debt service charge" means the amount to be paid each billing period for payment of interest and principal on outstanding loans, bonds, etc., and shall be computed by dividing the annual debt service by the number of users connected to the wastewater facilities.

xxviii. Director. "Director" means the Director of the Illinois Environmental Protection Agency.

xxix. Dissolved Solids. "Dissolved solids" means that concentration of matter in the sewage consisting of colloidal particulate matter one micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

xxx. Domestic Level User or Residential User. "Domestic level user" or "residential user" means, for the purpose of the user charge system, a user whose premises or building is used primarily as a domicile for one or more persons, and who wastes originate from the normal living activities of those persons.

xxxi. Easement. "Easement" means an acquired legal right for the specific use of land owned by others.

xxxii. Effluent Criteria. "Effluent criteria" are defined in any applicable NPDES permit.

xxxiii. Fecal Coliform. “Fecal coliform” means any number of organisms, common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

xxxiv. Floatable Oil. “Floatable oil” means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Authority.

xxxv. Force Main. “Force main” means a pipe in which wastewater is carried under pressure.

xxxvi. Functional Betterment. “Functional betterment” means an improvement in process in increased facilities, or an improvement in process in existing facilities, which is directly anticipated to preclude physical betterments, or which is an indirect improvement to the process as a result of renewal on a cost-effective basis.

xxxvii. Functional Obsolescence. “Functional obsolescence” means the process deficiency of a functional element of a plant, beyond the capacity of a preventive maintenance program, such that a new process device or piece of equipment would be more cost-effective.

xxxviii. Garbage. “Garbage” means solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

xxxix. Governmental User. “Governmental user” includes legislative, judicial, administrative and regulatory activities of Federal, State and local governments such as courthouses, police and fire stations, schools, city halls and similar governmental users.

xl. Incompatible Pollutant. “Incompatible pollutant” means any nontreatable waste product, including nonbiodegradable dissolved solids.

xli. Industrial Cost Recovery System. “Industrial cost recovery system” means the system of charges levied to recover, from the industrial users of the wastewater treatment facilities, the Federal grant amount allocable to the construction of facilities for the treatment of wastes from such industrial users.

xlii. Industrial Plant. “Industrial plant” means any facility which discharges industrial wastes.

xliii. Industrial User. “Industrial user” means, for the purpose of the Industrial Cost Recovery System, any nongovernmental, nonresidential user of a publicly owned treatment works which:

(1) Is identified in the Standard Industrial Classification Manual, 1972, as amended, by the Office of Management and Budget, under one of the following divisions:

- Division A - Agriculture, Forestry and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communications, Electric, Gas and Sanitary Services
- Division I - Services; and

(2) Discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of the Village wastewater treatment plant, or to injure or interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the wastewater treatment works.

xliv. Industrial Wastes/Sewage. "Industrial wastes/sewage" means a combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment (this shall include wastes from pretreatment facilities and polluted cooling water).

xlv. Infiltration. "Infiltration" means the unintentional entering of water into the public sewer system, including sanitary building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls ("Infiltration" does not include, and is distinguished from, inflow).

xlvi. Infiltration/Inflow. "Infiltration/inflow" means the total quantity of water from both infiltration and inflow, without distinguishing the source.

xlvii. Inflow. "Inflow" means the water discharged into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewers, catch basins, storm waters, surface runoff and street wash waters or drainage ("Inflow does not include, and is distinguished from, infiltration).

xlviii. Institutional User. "Institutional user" includes social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

xlix. Interceptor Sewer. "Interceptor sewer" means a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.



1. Major Contributing Industry. "Major contributing industry" means an industrial user of the publicly owned treatment works that has a flow of 50,000 gallons or more per average work day, has a flow greater than ten percent of the flow carried by the Municipal system receiving the waste, has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Act, or that is found by the permit issuance 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.

li. Milligrams per Liter. "Milligrams per liter" means a unit of the concentration of water or wastewater constituent. It is 0.001 gram of the constituent in 1,000 milliliters 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.

lii. National Pollutant Discharge Elimination Permit (NPDES). "National Pollutant Discharge Elimination Permit (NPDES)" means a permit issued under the national pollutant discharge elimination system for the discharge of wastewaters to the navigable waters of the United States, pursuant to Section 402 of the Act.

liii. Natural Outlet. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

liv. Normal Domestic Strength Sewage. "Normal domestic strength sewage" means wastewater or sewage having an average daily suspended solids concentration of not more than 400 mg/l, an average daily BOD of not more than 340 mg/l, and an average daily P of not more than twenty mg/l, based on average per capita metered water consumption of sixty gallons per day.

lv. Operation and Maintenance Costs. "Operation and maintenance costs" means all costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, replacement, treatment and collection of wastewaters necessary to insure adequate wastewater collection and treatment on a continuing basis, conforming to applicable regulations, and providing optimal long term facility management.

lvi. Owner. "Owner" means any person, firm, association, corporation or trust which owns, operates, possesses or controls an industrial plant.

lvii. P. "P" means phosphorous measured as P.

lviii. pH. "pH" means the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in Standard Methods.

lix. PPM. "PPM" means parts per million by weight.

lx. Person. "Person" means 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.

lxi. Personal Property. "Personal property" means, for the purpose of the user charge system, all equipment owned by the Village used in the transport and treatment of sewage which is mechanical, electronic or electrical and has movable parts.

lxii. Physical Betterment. "Physical betterment" means the expansion of a physical facility to increase the capacity of the treatment works.

lxiii. Physical Obsolescence. "Physical obsolescence" means the material deficiency of a functional element of a plant, to a point that repair as normal or preventive maintenance is not cost benefit effective.

lxiv. Population Equivalent. "Population equivalent" is 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 0.22 pounds of suspended solids.

lxv. Pretreatment. "Pretreatment" means the treatment of industrial sewage from privately owned industrial sources prior to introduction of the waste effluent into a public treatment works.

lxvi. Properly Shredded Garbage. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particle will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

lxvii. Pumping Station. "Pumping station" means a station positioned in the public sewer system at which wastewater is pumped to a higher level.

lxviii. Real Property. "Real property" means for the purpose of the user charge, all fixed physical facilities owned by the Village and used in the transport and treatment of sewage which do not have movable parts, such as buildings, tanks, sewers, structures and the like.

lxix. Renewal. "Renewal" means the expenditure of reserve funds or other funds to overcome physical and/or functional consumption of plant capacity or function or obsolescence of the same, in order that the equivalent in function of plant is present at the end of the anticipated useful life.

lxx. Replacement. "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

lxxi. Replacement Reserve. "Replacement reserve" means a restricted account for the segregation of resources to meet capital consumption of personal or real property. Funds from this account may only be used for replacement.

lxxii. Retained Amount. "Retained amount" means the amount of money held in trust and deposit for the expansion of the facilities together with the interest earned thereon.

lxxiii. Sanitary Sewage. "Sanitary sewage" means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

lxxiv. Sanitary Sewer. "Sanitary sewer" means a sewer that conveys sewage or industrial wastes, or a combination of both, and into which storm, surface, and ground waters or unpolluted industrial wastes are not intentionally admitted.

lxxv. Sewage Treatment Plant. "Sewage treatment plant" means any arrangement of devices and structures for treating sewage.

lxxvi. Sewer. "Sewer" means a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and ground water drainage.

lxxvii. Sewerage Fund. "Sewerage fund" is the principal accounting designation for all revenues received in the operation of the sewerage system.

lxxviii. Sewerage Works. "Sewerage works" means all facilities for collecting, pumping, treating and disposing of sewage.

lxxix. Significant Industry. "Significant industry" means any industry that will contribute greater than ten percent of the design flow and/or design pollutant loading of the treatment works.

lxxx. Slug. "Slug" means 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 fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation.

lxxxii. Standard Methods. "Standard Methods" means the laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and/or other recognized procedures by the U.S.EPA and the Illinois Environmental Protection Agency.

lxxxiii. State Act. "State Act" means the Illinois Anti-Pollution Bond Act of 1970.

lxxxiiii. State Grant. "State grant" means 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 are filed with the Secretary of State of the State of Illinois.

lxxxiv. Storm Sewer. "Storm sewer" means a sewer that carries storm, surface and ground water drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

lxxxv. Stormwater Runoff. "Stormwater runoff" means that portion of the precipitation that is drained into the sewers.

lxxxvi. Surcharge. "Surcharge" means a charge for the loading and discharge to the treatment plant of sewage in excess of normal domestic strength sewage of 340 mg/l BOD, 400 mg/l SS and twenty mg/l P.

lxxxvii. Suspended Solids. "Suspended solids" means 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 Standard Methods.

lxxxviii. Total Solids. "Total solids" means the sum of suspended and dissolved solids.

lxxxix. Toxic Amount. "Toxic amount" means concentrations of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse effects such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of the Act.

xc. Uncontaminated Industrial Waste. "Uncontaminated industrial waste" means wastewater which has not come into contact with any substance used in or incidental to industrial processing operations.

xc. Unpolluted Water. "Unpolluted water" means water of a quality equal to or better than the effluent criteria in effect, or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

xcii. Useful Life. "Useful life" means the anticipated term, in years, of the physical and/or functional productivity of elements of and/or the whole wastewater treatment process, which can be re-evaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption, and physical and/or functional betterments, either direct or indirect.

xciii. User. "User" means any person using the services of the Village or otherwise coming within the jurisdiction of the Village.

xciv. User Charge System. "User charge system" means the system of charges levied on users for the cost of operation and maintenance, and replacement reserve requirements on new and old wastewater collection/treatment facilities, pursuant to Section 204(b) of PL 92-500 and 40 CFR 35.935.13 (February 11, 1974, Federal Register).

xcv. Village. "Village" means the Village of Elburn, Kane County, Illinois.

xcvi. Volatile Organic Matter. "Volatile organic matter" means the matter in the sewage solids transformed to gases or vapors when heated at 500 degrees Centigrade for fifteen minutes.

xcvii. Wastewater. "Wastewater" means 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 an groundwater, surface water, and storm water that may be present.

xcviii. Wastewater Facilities. "Wastewater facilities" means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and to transport effluent to a watercourse.

xcix. Wastewater Treatment Works. "Wastewater treatment works" means the structures, equipment and processes required to collect, transport and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.

c. Watercourse. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

ci. Water Quality Standards. "Water quality standards" are defined in the water pollution regulations of Illinois.

(Ord. 81-3. Passed 7-6-81.)

#### 1060.02. DEPOSITS OF OBJECTIONABLE WASTE.

No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, or any garbage or other objectionable waste.

(Ord. 81-3. Passed 7-6-81.)

1060.03. DISCHARGE OF UNTREATED WATERS TO NATURAL OUTLETS.

No person shall discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Ord. 81-3. Passed 7-6-81.)

1060.04. TOILET FACILITIES AND CONNECTION TO PUBLIC SEWERS  
REQUIRED.

All owners of houses, buildings or properties used for human occupancy, employment, recreating 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 sewer of the Village, are hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with official notice to do so, provided that said public sewer is within 200 feet (sixty-one meters) of the property line.

(Ord. 81-3. Passed 7-6-81.)

1060.05. PRIVATE SEWAGE DISPOSAL SYSTEMS PROHIBITED;  
EXCEPTION.

Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank or cesspool, or any other facility intended or used for the disposal of sewage.

(Ord. 81-3. Passed 7-6-81.)

1060.06. PRIVATE SEWAGE DISPOSAL SYSTEMS PERMITTED.

a. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 1060.03, 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.

b. 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.

(c) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Village.

(d) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.  
(Ord. 81-3. Passed 7-6-81.)

#### **1060.07 BUILDING SEWERS AND CONNECTIONS.**

(a) No unauthorized person shall uncover, make any connections with or openings into, or use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.

(b) All disposal by any person into the sewer is unlawful, except for those discharges in compliance with Federal standards promulgated pursuant to the Act and more stringent State and local standards.

(c) There shall be two classes of building sewer permits: one for residential and commercial service, and one for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Building Enforcement Officer. A permit fee for a residential, commercial or industrial 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 its type of activity.

(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 a 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 Superintendent of Public Works, to meet all requirements of this chapter.

(h) The size, slope, alignment and 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 Housing Code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois, shall apply.

- (i) (1) All building sewers shall be overhead sewers, and are required for all new construction authorized by building permits approved after the effective date of this chapter. No building sewers shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade in a straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.
- (2) Any overhead sewer shall be required to be constructed in the lowest level of all new structures where the lowest level is three feet below the elevation of the crown of the street adjacent to the structure when such structures contain a toilet or shower facility within the lower level. Plumbing fixtures to be served by an overhead sewer shall drain into an ejection pit with pump and tight seal lid which meets the requirements of the Illinois State Plumbing Code. The ejector pit shall be properly sealed, vented and located to receive sewage by gravity flow from which the liquid shall be lifted and discharged into the sanitary sewer service. The discharge size of the pump shall be a minimum of two inches, and discharge line shall be equipped with a backwater check-valve, and ball valve. Plumbing fixtures above the aforesaid elevation shall drain entirely by gravity and shall not be drained through the ejection pit.
- (3) Where an overhead sanitary sewer system is not required by this section, a threaded floor drain and plug shall be required to be constructed in the basement of any structure with a level lower than three feet below the elevation of the crown of the street adjacent to the residence.



- (4) Where an overhead sanitary sewer system is not required by this section, a manual shutoff valve will be required for all utility tubs which are installed in the basement of any structure with a level lower than three feet below the elevation of the crown of the adjacent street.

(j) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other surface runoff or ground water, 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 Housing Code, to other applicable rules and regulations of the Village, and to the procedures set forth in the appropriate specifications of the American Society for Testing and 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 Superintendent of Public Works before installation.

(l) The applicant for a building sewer permit shall notify the Superintendent of Public Works when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent of Public Works or his or her representative. The contractor shall call at least twenty-four hours in advance of completion for a final inspection. No sewer work shall be earth-covered until after inspection by the Public Works Superintendent.

(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 Superintendent of Public Works.

(n) The customer shall be responsible for repairs and maintenance of the building sewer, including, but not limited to, the costs of rodding and cleaning the building sewer.

(o) No person shall make or cause to be made any connection with any sanitary sewer in the Village, except under a written permit for the work issued by the Village, and upon payment of a fee set forth herein.

(p) No statement contained in this section shall be construed as preventing any special agreement between the Village and any person whereby an industrial or commercial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor by the person as prescribed by the Village. (Ord. 81-3. Passed 7-6-81; Ord. 2004-01. Passed 4-5-04.)

**1060.08 IMPROVEMENTS AND EXTENSIONS.**

(a) In General. Improvements and/or extensions of collection sewers, interceptor sewers, pumping stations and/or sewer treatment facilities shall be made only in the course of orderly development, in response to sufficient existing or anticipated demand, and in accordance with the financial capabilities of the Village. Further, the extension of sewers and/or expansion of treatment facilities shall be made in accordance with the Village's Facilities Plan, as amended, limitations of the NPDES permits, as amended, and all other applicable Federal and State regulations.

(b) Extensions of Sewers.

- (1) No extension of sewers shall be made if there is not sufficient treatment capacity in place or under construction to treat the wastewater volume that will be transported by the proposed extension.
- (2) No extension of sewers shall be made outside the corporate limits of the Village.
- (3) All sewer extensions shall serve ten or more lots, or a tract of ten or more acres, or shall be so constructed that said extension terminates with a manhole located no closer to the nearest downstream manhole than is permitted in Section 1060.09.
- (4) All sewer extensions shall be located in a dedicated street right of way in the manner specified by Section 8-4-12 of the Subdivision Regulations (Ordinance 74-19, passed October 21, 1974), or as directed by the Superintendent of Public Works. Locations of extensions not in dedicated street rights of way shall be made only by special permission of the Village, and shall be in public easements acceptable to the Village.
- (5) No extension of sewers shall be permitted until all required State permits have been secured.

(c) Sewer Extensions and Improvements by Private Parties.

- (1) Where sewer extensions and appurtenant structures are proposed to be constructed by privately retained contractors, a complete set of plans and specifications as set forth in Section 1060.09 shall be submitted, reviewed and approved by the Village Engineer prior to construction. The applicant shall also be responsible for submitting the required plans and specifications for State approval prior to construction.
- (2) The proposed extensions and any related improvements shall be inspected, during and upon completion of the construction, by the Village Engineer and/or Superintendent of Public Works, and must meet their approval before the improvements are accepted by the Village. The contractor shall call at least twenty-four hours in advance of completion for a final inspection. No sewer work shall be earth-covered until after inspection by the Public Works Superintendent. Upon acceptance by the Village, all improvements will become the property of the Village for the purposes of maintenance and repair.

- (3) All costs associated with reviews and inspections shall be paid by the applicant.
  - (4) Contractors retained to construct the extensions and improvements must meet the approval of the Village prior to construction. The Village reserves the right to reject the applicant's contractor if such contractor is deemed incompetent or unfit to perform the work. All contractors must provide proof of bond or other acceptable insurance indemnifying the Village from any loss or damage that may be occasioned by the proposed construction activities.
- (d) Financing Extensions and Improvements of Sewers and Appurtenant Structures.
- (1) Extensions and improvements made as part of the subdivision of land shall be paid wholly by the subdivider with recapture provisions if applicable.
  - (2) A property owner or group of property owners may petition the Village to make an extension at the cost of said owner or owners.
  - (3) A group of property owners may petition the Village that an extension be installed by special assessment.
  - (4) Joint financing of an extension by property owners and the Village through the provisions of a binding agreement may be arranged, should the Village elect to do so.
- (e) Time Limits.
- (1) All extensions and improvements shall be completed within one year after approval of the plans and specifications therefor, except in the case of extensions and improvements being installed as part of land development under the Subdivision Regulations (Ordinance 74-19, passed October 21, 1974), in which case the improvements must be completed within two years of approval.
  - (2) The Village will not guarantee treatment capacity for extensions not connected onto later than one year after completion of said extension. The Village, however, may consider prepayment of connection fees as a means whereby future connections onto in-place extensions may be guaranteed. (Ord. 81-3. Passed 7-6-81.)

**1060.09 CONSTRUCTION STANDARDS AND REQUIREMENTS.**

(a) From and after the passage, approval and publication of this chapter, each sanitary sewer which is designed and is to be constructed so as to constitute an integral part of the system of sanitary sewers discharging directly or indirectly into any Village sewer shall not be constructed until and unless the Village has been furnished with two complete sets of plans and specifications, prepared with competent engineering assistance. The Village shall approve or disapprove such plans and specifications.

It shall also be the duty of any person, municipality or other entity wishing to construct a storm sewer within the corporate jurisdiction of the Village to furnish the Village with two complete sets of plans and specifications, prepared with competent engineering assistance, for the project. No such project shall be undertaken until the Village has approved such plans and specifications.

(b) The following criteria shall be adhered to in the design of all sanitary sewers and in the writing of specifications for all sanitary sewers.

- (1) No plans and specifications for new sewers or extensions of old sewers shall be approved by the Village unless they are designed as sanitary sewers only, in which storm waters from roofs, streets and other areas, ground water from foundation drains and any other subsurface drains, are to be excluded.
- (2) In general, sewer systems shall be designed for the estimated ultimate tributary population, except in considering parts of the system that can be readily increased in capacity. Similarly, consideration shall be given to the maximum anticipated populations of institutions, and population equivalents of industries.
- (3) In determining the required capacities of sanitary sewers, the following factors shall be considered:
  - A. Maximum hourly quantity of sewage;
  - B. Additional maximum sewage or waste from industrial plants; and
  - C. Ground water infiltration.

iv. Sewer systems constructed after the effective date of this chapter shall be designed on the basis of an average daily per capita flow of sewage of not less than 100 gallons per day. This figure is assumed to cover normal infiltration, but an additional allowance shall be made where soil conditions are unfavorable. Generally the sewers shall be designed to carry, when running full, not less than the following daily per capita contributions of sewage, exclusive of sewage or other waste from industrial plants:

- (1) Laterals and sub-main sewers, 400 gallons;
- (2) Main, trunk and outfall sewers, 250 gallons;
- (3) No interceptor shall be designed for less than 350 percent of

the gauged or estimated dry weather flow.

v. When deviations from the foregoing per capita rates are demonstrated, a brief description of the procedure used for the sewer design shall be included.

vi. No sewer serving more than one structure shall be less than eight inches in diameter.

vii. In general, sewers shall be designed deep enough to drain basements and to prevent freezing.

viii. All sewers shall be so designed and constructed as to give mean velocities, when flowing full, of not less than 2.0 feet per second, based on Kutter's formula using an "n" value of 0.013. Use of other practical "n" values may be permitted by the Village if deemed justifiable on the basis of research or field data presented. The following are the minimum slopes which shall be provided. However, slopes greater than these are desirable:

Sewer Size (in.)	Minimum Slope (ft./100 ft.)
8	0.40
10	0.28
12	0.22
14	0.17
15	0.15
16	0.14
18	0.12
21	0.10
24	0.08

Under special conditions, if full and justifiable reasons are given, slopes slightly less than those required for the 2.0 feet per second velocity when flowing full may be permitted. Such decreased slopes will only be considered where the depth of flow will be 0.3 of the diameter or greater for design average flow. Whenever such decreased slopes are selected, the engineer shall furnish his or her computations of the depth of flow in such pipes at minimum, average and peak rates of flow. It is recognized that such decreased slopes may cause additional sewer maintenance expense. Sewers shall be laid with uniform slope between manholes.

ix. Sewer pipe that is twenty-four inches or less shall be laid with straight alignment between manholes.

x. When a sewer joins a larger one, the invert of the larger sewer shall be lowered sufficiently to maintain the same energy gradient. An approximate method for securing these results is to place the 0.8 depth point of both sewers at the same elevations.

xi. In general, velocities shall be maintained below ten feet per second

unless specific permission is granted for velocities greater than ten feet per second. Where velocities greater than fifteen feet per second are permitted, special provision shall be made to protect against displacement by erosion and shock.

xii. Any generally accepted material for sewers will be given consideration (in general only salt glazed vitrified clay pipe shall be used), but the material selected shall be adapted to local conditions, such as the character of industrial wastes, possibility of septicity, soil characteristics, exceptionally heavy external loadings, abrasion and similar problems. All sewers shall be designed to prevent damage from superimposed loads. Proper allowances for loads on the sewer shall be made because of the width and depth of the trench. When standard strength sewer pipe is not sufficient, the additional strength needed may be obtained by using extra strength pipe or by special construction.

xiii. The method of making joints and the materials used shall be included in the specifications. Sewer joints shall be designed to minimize infiltration and to prevent the entrance of roots. Leakage tests shall be specified. The leakage outward or the infiltration shall not exceed 500 gallons per inch of pipe diameter per mile per day for any section of the system.

xiv. Manholes shall be installed at the end of each line, at all changes in grade, size or alignment, at all intersections and at distances of not greater than 400 feet for sewers sixteen inches or less, and 500 feet for sewers of eighteen to thirty inches. Greater spacing may be permitted in larger sewers and in those carrying a settled effluent. Lampholes may be used for special conditions only, and shall not be

substituted for manholes. Manholes on existing sewers may be required by the Village, and if required by the Village, shall forthwith be constructed by the person or persons served by any such sewer, upon written notice to such person or persons of such requirements from the Village.

(1) A drop pipe shall be provided for a sewer entering a manhole at an elevation of twenty-four inches or more above the manhole invert. Where the difference in elevation between the incoming sewer and the manhole is less than twenty-four inches, the invert shall be filleted to prevent solids deposition.

(2) The minimum diameter of manholes shall be forty-eight inches.

(3) The flow channel through manholes shall be made to conform in shape and slope to that of the sewers.

(4) Manholes may be either of the precast concrete block type or, preferably, of the precast concrete sectional type with eccentric cones. When precast concrete block manholes are used, they shall be plastered on the outside by a three-quarter inch layer of mortar and trowelled smooth, and such layer shall be supplemented with a bituminous waterproof coating.

(5) Cast iron frames and closed lids shall conform to the standards applicable to the usage. Closed lids shall be used on all manholes, and lock-type sealing lids shall be used if required by the Village. All manholes shall be built up such that when the cover is in place, it will be at the required grade.

xv. Inverted siphons shall have not less than two barrels with a minimum pipe size of six inches, and shall be provided with necessary appurtenances for convenient flushing and maintenance. The manholes shall have adequate clearance for rodding, and, in general, sufficient head shall be provided and pipe sizes selected to secure velocities of at least 3.0 feet per second for average flows. The inlet and outlet details shall be arranged so that the normal flow is diverted into one barrel, and so that either barrel may be cut out of service for cleaning.

xvi. There shall be no physical connection between a public or private potable water supply system and a sewer, or appurtenance thereto, which could permit the passage of any sewage or polluted water into the potable supply.

(1) The engineering plan documents shall show the location of all existing waterworks structures (basins, wells, other treatment units, etc.) that are within 200 feet of the proposed sewer.

(2) Soil conditions in the vicinity of the waterworks structures shall be investigated and depicted on the plans.

(3) The following minimum distances apply to clay and loam soils and, as a minimum, shall be doubled for sand. In areas where crevices, limestone or gravel may be encountered, the Village shall determine what minimum separation distances and special construction will be required.

(a) Nonwatertight sewers shall not be located closer than fifty feet from waterworks structures.

(b) Cast iron pipe sewers with leaded or mechanical joints shall not be located closer than twenty-five feet from waterworks structures.

(c) Sewers constructed of extra heavy cast iron pipe, asbestos cement pressure pipe or pressurized concrete pipe, with pressure tested, leaded mechanical or slip-on joints, shall not be located closer than ten feet from waterworks structures.

(4) Whenever possible, sewers shall be laid at least ten feet, horizontally, from an existing or proposed water main. Should local conditions prevent a lateral separation of ten feet, a sewer may be laid closer than ten feet to a water main if:

(a) It is laid in a separate trench:

(b) It is laid in the same trench with the water main located at one side on a bench of undisturbed earth; or

(c) In either case, the elevation of the top (crown) of the sewer is at least eighteen inches below the bottom (invert) of the water main.

(5) Whenever a sewer must cross under a water main, the sewer shall be laid at such an elevation that the top of the sewer is at least eighteen inches below the bottom of the water main. When the elevation of the sewer cannot be varied to meet the above requirements, the water main shall be relocated to provide this, or shall be reconstructed with mechanical joint pipe for a distance of ten feet on each side of the sewer. One full length of water main shall be centered over the sewer so that both joints will be as far from the sewer as possible.

(6) When it is impossible to obtain proper horizontal and vertical separation as stipulated above, both the water main and sewer shall be constructed of mechanical joint cast iron pipe, and shall be pressure-tested to assure watertightness.

(7) When it is determined to be warranted by the Village Engineer, the Village may require the installation of overhead plumbing.

(Ord. 81-3. Passed 7-6-81.)



1060.10. USE OF PUBLIC SEWERS.

a. No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

b. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village. Industrial cooling water or unpolluted process waters may be discharged, on the approval of the Village, to a storm 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:

i. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

ii. Any waters or wastes containing toxic or poisonous solids 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.

iii. 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.

iv. Solid or viscous substances in such quantities or of such size as are capable of causing obstruction to the flow in sewers, or other interference with the 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, cups, mild 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 Village Engineer, that such wastes can harm either the sewers' sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb or public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Village Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, the materials of construction of the sewers, the nature of the sewage treatment process, the capacity of the sewage treatment plant and the maximum limits established by regulatory agencies. The substances prohibited are:

i. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (sixty-five degrees Centigrade).

ii. Any waters or wastes containing toxic or poisonous materials, or any oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two and 150 degrees Fahrenheit (zero and sixty-five degrees centigrade).

iii. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village.

iv. Any waters or wastes containing strong acids, iron pickling wastes or concentrated plating solutions, whether neutralized or not.

v. 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 Village for such materials.

vi. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations as exceed limits which may be established by the Village as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

vii. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

viii. Any waters or wastes having a pH in excess of 9.5.

ix. Any mercury, or any of its compounds, in excess of 0.0005 mg/l as Hg at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

x. Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

xi. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(4) Unusual volumes of flow or concentrations of wastes constituting "slugs" as defined herein.

xii. Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or which 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) hereof, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs, Part 128 - Pretreatment Standards, Federal Register, Volume 38, No. 215, Thursday, November 8, 1973, and any amendments thereto, and which, in the judgment of the Village Engineer, 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 Village may:

- i. Reject the wastes;
- ii. Require pretreatment to an acceptable condition for discharge to the public sewers;
- iii. Require control over the quantities and rates of discharge; and/or
- iv. 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 (j) hereof.

If the Village 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 Village Engineer and to the requirements of all applicable codes, ordinances and laws.

f. Grease, oil and sand interceptors shall be provided when, in the opinion of the Village Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. However, 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 Village Engineer, and shall be located so 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 or her expense.

(Ord. 81-3. Passed 7-6-81.)

h. Each industry shall be required to install a control manhole and, when required by the Village, 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 as will facilitate the observation, sampling and measurement of wastes. Such manhole, when required, shall be accessible to a Village inspector, safely located within ten feet of the building foundation, four feet in diameter and constructed in accordance with plans approved by the Village Engineer. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. (Adopting Ordinance)

i. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests and analyses of waters and wastes to illustrate compliance with this chapter and with any special conditions for discharge established by the Village or by 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 not less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with Federal, State and local standards is being attained. 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 are deemed necessary, the Village reserves the right to take measurements and samples for analysis 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 Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon the taking of suitable samples 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 analysis 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 pH's are determined from periodic grab samples.

k. No statement contained in this section 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 Section 1062.02, by the industrial concern, provided such payments are in accordance with Federal and State guidelines for a user charge system and industrial cost recovery system.

l. 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 sewerage works. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.  
(Ord. 81-3. Passed 7-6-81.)

#### 1060.11. POWERS AND AUTHORITY OF INSPECTORS.

a. The Superintendent of Public Works and other duly authorized employees of the Village, the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent of Public Works or his or her representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries, beyond the point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

b. While performing the necessary work on private properties referred to in subsection (a) hereof, the Superintendent of Public Works or duly authorized employees of the Village, the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 1060.10(h).

c. The Superintendent of Public Works 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.  
(Ord. 81-3. Passed 7-6-81.)

1060.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1062  
Sewer Rates and Charges

1062.01 Sanitary sewerage service charges.	1062.07 Notice of violation; civil liability.
1062.02 User charge system.	1062.08 Destruction of improvements; discontinuance of service and connection due to delinquency or lack of meter.
1062.03 Wastewater treatment billing.	
1062.04 Wastewater treatment rates; policy re dishonored checks.	1062.09 Adjustments.
1062.05 Disposition of revenues.	1062.99 Penalty.
1062.06 Payment of bills; delinquency.	

CROSS REFERENCES

Power to construct and operate sewerage system - see Ill. R.S. Ch. 24, Secs. 11-14-1 et seq.

Power to construct and regulate sewers and cesspools - see Ill. R.S. Ch. 24, Sec. 11-109-1

Power to regulate sewer use and charges - see Ill. R.S. Ch. 24, Sec. 11-141-7

Municipal Utility Tax - see B.R. & T. Ch. 894

Obstruction of drains - see S.U. & P.S. 1020.04(l)

Drainage in mobile home parks - see B. & H. 1470.12(b)

Sewers in mobile home parks - see B. & H. 1470.12(g)(2), (3)

Storm water runoff control - see B. & H. Ch. 1478

**1062.01 SANITARY SEWERAGE SERVICE CHARGES.**

(a) Sewage Treatment Plant Connection Charge. For the privilege of connecting to the sewage treatment plant facilities, the following connection charges shall apply and shall be paid to the Village prior to the connection of any building sanitary sewer to any part of the sanitary sewerage system. These charges shall be paid to the Village before a building permit is issued:

- (1) Restricted business, general business and industrial, per building based upon size of water meter installed in each building as follows:

<u>Meter Size (in.)</u>	<u>Estimated Water Use (gallons per day)</u>	<u>Sewer Treatment Charge</u>
3/4	750	\$744.00
1	1,250	1,240.00
1-1/2	2,000	1,984.00

<u>Meter Size (in.)</u>	<u>Estimated Water Use (gallons per day)</u>	<u>Sewer Treatment Charge</u>
2	3,000	2,976.00
3	6,250	6,200.00
4	12,500	12,400.00
6	20,000	19,840.00

- (4) A separate charge shall be computed for each restricted business, general business or industrial building.  
(Ord. 88-4. Passed 4-4-88.)

(b) Sanitary Sewer Connection Charge. For the privilege of connecting to the existing sanitary sewerage system, the following connection charges shall apply and shall be paid to the Village prior to the connection of either a building sanitary sewer service or a new sanitary sewer lateral extension. The sanitary sewer connection charge is one thousand five hundred twenty-five dollars (\$1,525.00) per population equivalent (P.E.).

- |  |            |
|--|------------|
| (1) Single or multifamily residential land use (3.23 PE/unit)                                      | \$4,925.75 |
| (2) Apartments or condominium:   |            |
| 1 bedroom (1 P.E./Unit)  | \$1,525.00 |
| 2 bedroom (2 P.E./Unit)  | \$3,050.00 |
| 3 bedroom or greater (3 P.E./Unit)   | \$4,575.00 |
| (3) Restricted or general business land use, per permissible<br>1,000 square feet of building area | \$350.00   |
| (4) Industrial land use per acre   | \$950.00   |

However, the above charges shall not be less than as are provided in any ordinance or any agreement between the Village and any other parties which caused the sanitary sewerage system to be extended to the point of the proposed connection.

(Ord. 96-17. Passed 5-20-96.)

(c) Recapture Charges for Sanitary Sewer Building Service Connection. For the privilege of making a building sanitary service connection to any existing sanitary sewer lateral or interceptor which has been installed by the Village or others, the cost of which was not participated in by present or past owners of the property being connected, the following recapture charges shall be paid to the Village before the service connection is made or a building permit issued. However, the recapture charges shall not be less than are provided in any ordinance or any agreement between the Village and other parties which caused the existing sanitary sewer to be constructed.



- (1) For cases where the connection is directly to a sanitary interceptor or lateral sewer that has been installed and financed by the Village, the charge shall be seven dollars and fifty cents (\$7.50) per lineal front foot of the property served.
- (2) For inspection of the installation where no wye exists, the charge shall be forty dollars (\$40.00).

Upon payment of the above charges, the property owner shall be allowed to connect to the Village sewer on a publicly dedicated street right of way or utility easement. The property owner shall pay the total cost of connecting, including all street repairs, when necessary.

The above charges shall be in addition to those set forth in subsections (a), (b) and (d) hereof.

If after the sanitary sewer connection service charge or assessment has been paid there is a change in the use of the property which results in a higher unit demand, then the difference between the sanitary sewer connection service charge for the new demand and the old demand shall be paid to the Village at the time of application for a building permit.

(d) Sanitary Sewer Building Service Inspection Charge. There shall be a charge of forty dollars (\$40.00) for inspecting the connection and installation of a sanitary sewer building service pipe from the sanitary sewer lateral or interceptor up to the building foundation.

(Ord. 88-4. Passed 4-4-88; Ord. 2010-30. Passed 4-10-10; Ord. 2012-16. Passed 7-16-12.)

### **1062.02 USER CHARGE SYSTEM.**

(a) Basis for Wastewater Service Charges. 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) The basic user charge is levied on all users to recover the operation, maintenance and replacement (OM&R) costs and shall be based on water usage as recorded by water meters for wastes having the following normal domestic concentrations:

- (1) A five-day, 20°C biochemical oxygen demand (BOD) of 240 mg/l.
- (2) A suspended solids content of 200 mg/l.

The basic user charge shall be computed as follows:

- (1) Estimate the annual wastewater volume, pounds of BOD and pounds of SS to be treated.
- (2) Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year, for all works categories.
  - A. Proportion the estimated OM&R costs to each user class by volume, BOD and SS.

- B. Proportion the estimated OM&R costs to wastewater facility categories by volume, BOD and SS.
- C. Compute costs per 100 cubic feet for normal domestic strength sewage.
- D. 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 100 cubic feet.

(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 a flat charge per customer account.

(e) A surcharge shall be established and charged to any user of the Village's sewerage works whose wastewater discharge strengths exceed normal domestic strength sewage. Operation, maintenance and replacement costs associated with the treatment of wastewater that exceeds normal domestic strength shall be summed and then divided by the pounds of BOD, pounds of SS and pounds of P that exceed normal domestic strengths, to obtain unit charges.

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 Village 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 their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or OM&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 100 cubic feet

- (1) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Village 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 Village 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 Village 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 Superintendent of Public Works.

(i) Basic User Charge. There shall be and there is hereby established a basic user charge of two dollars and sixty-nine cents (\$2.69) per 100 cubic feet to be applied to all users to recover OM&R costs.

(j) Debt Service Charge. There shall be and there is hereby established a debt service charge of \$0.00 per 100 cubic feet to each user of the wastewater facility.

(k) Capital Improvement Charge. There shall be and there is hereby established a capital improvement charge of five dollars and fifty cents (\$5.50) per month to each user of the wastewater facility.

(l) 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

CD = Debt Service Charge

CM = Minimum Charge for Operation, Maintenance and Replacement

Vu = Wastewater Volume for the billing period

X = Allowable consumption in gallons for the minimum charge

CU = Basic User Charge for Operation, Maintenance and Replacement

CS = Surcharges, if applicable

(n) Notwithstanding the foregoing, the monthly rate for the use of the Village's sanitary sewerage and wastewater treatment by premises located outside of the corporate limits of the Village shall be three dollars and fifty cents (\$3.50) per each 100 cubic feet of water, or any part thereof, furnished per month. The minimum charge for any monthly period, or part thereof, for the use of the Village's sanitary sewerage and wastewater treatment by premises located outside of the corporate limits of the Village shall be seven dollars and fifteen cents (\$7.15).

(Ord. 81-3. Passed 7-6-81; Ord. 2010-29. Passed 10-4-10; Ord. 2012-15. Passed 7-16-12.)

### **1062.03 WASTEWATER TREATMENT BILLING.**

(a) Bills for Village wastewater treatment services and system use shall be rendered monthly, however, nothing in this section shall preclude the Village from billing customers

in cycles which may occur on different weeks of the month, however, such cycles shall be regular from month-to-month.

(Ord. 87-15. Passed 12-3-87; Ord. 2005-13. Passed 7-5-05.)

(b) Nonreceipt of any bill described in Section 1062.02 or this chapter shall not release the liability of a user for those charges.

(Ord. 86-6. Passed 8-6-86; Ord. 2010-29. Passed 10-4-10; Ord. 2012-15. Passed 7-16-12.)

#### **1062.04 WASTEWATER TREATMENT RATES; POLICY RE DISHONORED CHECKS.**

For any customer of the Village who has on a minimum of two occasions paid water bills by check, and said check or checks were returned to the Village because of "nonsufficient funds," or other refusal of the bank to pay the full amounts indicated on the face of the check, the Village may thereafter refuse to accept all future payments made by that customer if made by check. The Village may also insist that all future payments made by that customer be paid by cash, credit card, money order, cashier's check or certified check.

(Ord. 86-6. Passed 8-6-86; Ord. 2005-13. Passed 7-5-05; Ord. 2010-29. Passed 10-4-10; Ord. 2012-15. Passed 7-16-12.)

#### **1062.05 DISPOSITION OF REVENUES.**

(a) All user charge moneys shall be deposited in the Waterworks and Sewerage General Fund. These moneys shall then be transferred into the appropriate operation and maintenance account and into the Water and Sewer Capital Fund.

(b) Expenditures shall be made by the Village in accordance with the detailed annual budget and appropriation ordinances authorized by the Village Board.

(c) Capital improvements and renewals financed from the Water and Sewer Capital Fund shall be capital expenditures, which shall cause the annual estimate for accrued reserves from depreciation and replacement to be evaluated in terms of extended useful life as a result of preventive maintenance programs or such renewals and/or improvements. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed assets group of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.

(Ord. 2010-29. Passed 10-4-10; Ord. 2012-15. Passed 7-16-12.)

#### **1062.06 PAYMENT OF BILLS; DELINQUENCY.**

(a) Liability for Payment of Bills. The owner of the premises and the occupant thereof, who uses the Village's waterworks and/or sanitary sewerage system, shall be jointly and severally liable for payment of any bill rendered by the Village for such use or uses.

(b) Discontinuance of Service.

- (1) If any bill for the use or service of the Village waterworks and sanitary sewer system is not paid by the due date stamped thereon, a 10% penalty shall be assessed.
- (2) If any bill for the use or service of the waterworks and sanitary sewer system is not paid within 30 days after the due date, the use or service for which the bill is delinquent may be discontinued following notice of delinquency to the owner, and to the tenant(s) if it is a rental property, and shall not be reinstated until all charges are paid in full.
- (3) Failure to pay the bill for use of the Village waterworks and sanitary sewer system within 30 days of its due date may result in termination of the service. The Department of Public Works shall be responsible for shutting off service, but only after receiving a signed authorization form from the Superintendent of Public Works or the Village Administrator. However, in no event shall service be discontinued without first affording the customer notice and an opportunity to discuss the matter at a meeting with the Superintendent of Public Works or Village Administrator. The customer shall have the right to appeal the decision of the Superintendent of Public Works or Village Administrator to the Village Board
- (4) In the event service has been terminated, the service shall not be reinstated until the customer has paid all bills, and paid a reinstatement fee in the amount of twenty-five dollars (\$25.00).
- (5) The Village Attorney may be authorized, pursuant to State statutes, by the Superintendent of Public Works, to institute the appropriate proceedings to place a lien against the property for which the water bill is unpaid. The lien shall not be removed until such time as all past due bills are paid. The Village Attorney may also be authorized by the Superintendent of Public Works to obtain or secure collection of any charges due hereunder that remain unpaid, including reasonable attorneys' fees and court costs.  
(Ord. 94-13. Passed 6-20-94; Ord. 2010-29. Passed 10-4-10; Ord. 2012-15. Passed 7-16-12.)

**1062.07 NOTICE OF VIOLATION; CIVIL LIABILITY.**

(a) Any person found to be in violation of any provision of this chapter shall be served by the Village with a 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.

(b) No person shall continue any violation beyond the time limit provided for in such notice.

(c) In addition to the penalty provided in Section 1062.99, any person violating any of the provisions of this chapter shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.  
(Ord. 2010-29. Passed 10-4-10; Ord. 2012-15. Passed 7-16-12.)

**1062.08 DESTRUCTION OF IMPROVEMENTS; DISCONTINUANCE OF SERVICE AND CONNECTION DUE TO DELINQUENCY OR LACK OF METER.**

In the event that the improvements serviced by the waterworks system, or any portion thereof, are destroyed by fire, razing or in any other manner, the Superintendent may, in his or her discretion, discontinue the service to such improvement for such time period as is necessary for the protection of the residents of the Village and the waterworks and sanitary sewer system, and may cause such service to be resumed at no charge to the customer.

(Ord. 2012-15. Passed 7-16-12.)

**1062.09 ADJUSTMENTS.**

The Superintendent of Public Works or the Village Administrator may authorize a billing adjustment in cases of village-owned equipment failure. Records of each adjustment shall be kept on file with the Utility Billing Clerk.

(Ord. 2005-13. Passed 7-5-05; Ord. 2010-29. Passed 10-4-10; Ord. 2012-15. Passed 7-16-12.)

**1062.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

[Text continues on page 89]

TITLE EIGHT - Other Public Services  
Chap. 1080. Special Service Areas.

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CHAPTER 1080  
Special Service Areas

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|---|---|
| <p>1080.01 Special Service Area Number One.</p> <p>1080.02 Special Service Area Number Two.</p> <p>1080.03 Back-up Special Service Area Number Three.</p> | <p>1080.04 Special Service Area Number Four.</p> <p>1080.05 Special Service Area Number Five.</p> |
|---|---|

CROSS REFERENCES

- Tax levy ordinance - see ADM. 224.02(b)  
 Property tax limits - see ADM. 224.02(c)  
 Improvements to public ways and properties - see S.U. & P.S. 1020.05  
 Water supply and storage facility improvements - see S.U. & P.S. 1040.03,  
 1040.05  
 Sewer improvements and extensions - see S.U. & P.S. 1060.08

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**1080.01 SPECIAL SERVICE AREA NUMBER ONE.**

(a) Establishment; Description. A special service area, to be known and designated as "Village of Elburn Special Service Area Number One," is hereby established and shall consist of the following described territory:

- (1) That part of the west half of Section 32, Township 40 North, Range 7 East, of the Third Principal Meridian described as follows: beginning at the southeast corner of the north half of the southwest quarter of said Section; thence westerly along the south line of said north half 2,364.22 feet to a point that is 297.0 feet easterly of the southwest corner of said

north half; thence northerly parallel with the west line of said north half, 146.17 feet; thence westerly parallel with said south line 224.90 feet to a line drawn parallel with and 60.0 feet easterly of the centerline (measured at right angles thereto) of Illinois State Route 47 as established by Document 1016205; thence northerly, parallel with said centerline 1,115.91 feet to a line drawn parallel with and 60.0 feet southerly of the centerline (measured at right angles thereto) of Illinois State Route 38, as established by Document 970893; thence easterly, parallel and concentric with the centerline of said Illinois State Route 38, 2,603.19 feet to the east line of said west half; thence southerly along said east line 1,602.60 feet to the point of beginning; and also that part of the west half of the northwest quarter of said Section 32 described as follows: commencing at the northwest corner of the southwest quarter of said northwest quarter; thence easterly along the north line of said southwest quarter 21.40 feet to the centerline of Illinois State Route 47 as established by Document 1016205; thence northerly along said centerline 148.0 feet; thence easterly, parallel with said north line, 1,300.47 feet to the east line of said west half for a point of beginning; thence westerly along the last described course 1,110.44 feet to a line drawn parallel with and 190.0 feet easterly of said centerline (measured at right angles thereto); thence southerly, parallel with said centerline, 753.0 feet; thence westerly, parallel with said north line, 130.02 feet to a line drawn parallel with and 60.0 feet easterly of the centerline (measured at right angles thereto); thence southerly, parallel with said centerline, 667.36 feet to a line drawn parallel with and 60.0 feet northerly of the centerline (measured at right angles thereto) of Illinois State Route 38 as established by Document 970839; thence easterly, parallel and concentric with said centerline, 1,260.59 feet to the east line of said west half; thence northerly along said east line 1,268.29 feet to the point of beginning, all in Campton Township, Kane County, Illinois, and containing 119.866 acres. The area described in this paragraph is commonly known to be approximately thirty-six acres located at the northeast corner of the intersection of Illinois State Route 47 and Illinois State Route 38 and approximately eighty-four acres located at the southeast corner of the intersection of Illinois State Route 47 and Illinois State Route 38.

- (2) That part of the southwest quarter of the southwest quarter of Section 32, Township 40 North, Range 7 East, of the Third Principal Meridian, described as follows: beginning at the northwest corner of Lot 29, Unit No. 4, Erickson Subdivision, Village of Elburn, Kane County, Illinois;



thence easterly along a northerly line of said Unit No. 4, 316.95 feet to an angle point in said northerly line; thence southeasterly along a northeasterly line of said Unit No. 4, 175.05 feet to an angle point in said northeasterly line; thence southerly along the easterly line of said Unit No. 4, 300.0 feet to the southeast corner of said Unit No. 4; thence easterly along the northerly line of Units No. 2 and 3, Erickson Subdivision, Village of Elburn, Kane County, Illinois, 327.40 feet to the northeast corner of Lot 22 in said unit No. 3; thence northerly along the easterly line extended of said Lot 22, 740.0 feet to the north line of the south half of the southwest quarter of said Section 32; thence westerly along said north line 766.15 feet to the east line of First Street; thence southerly along said east line 299.46 feet to the point of beginning (except that part conveyed to Marvin Christensen and wife by quit claim deed recorded June 6, 1985, as Document 1724589), in the Village of Elburn, Kane County, Illinois, and containing 8.845 acres. The area described in this paragraph is commonly known to be located east of First Street, north of Willow Street and bounded by Erickson subdivision on the west and south.

- (3) That part of the south half of the southwest quarter of Section 32, Township 40 North, Range 7 East, of the Third Principal Meridian lying easterly of the east line of Third Street (formerly B Street), in Campton Township, Kane County, Illinois, and containing 40.983 acres. The area described in this paragraph is commonly known to be located east of First and Third Streets and bounded on the south by Walden Subdivision and Keystone Industrial Park.

An accurate map of all of the territory described in this subsection is attached to original Ordinance 92-23, passed October 19, 1992, as Exhibit 3.

(b) Purpose; Levy of Annual Tax. The Village of Elburn Special Service Area Number One is established to provide special Municipal services to said area in addition to services provided to the Village generally. Included in said purposes shall be the maintenance of the following public improvements to be constructed, to wit: storm water detention and retention basin areas, including inlet and outlet structures; connecting storm sewers; connecting surface drainage channels; subsurface drainage systems; adjacent wetlands area and dedicated public accessways; cul-de-sac islands; and the thirty-foot wide landscape easement abutting residential properties along Illinois State Route 38. Annual taxes may be levied for maintenance services, provided that said special annual tax shall be limited so that the total of said tax does not exceed thirty cents (\$0.30) per one hundred dollars (\$100.00) of assessed valuation, as equalized, of the property in the Special Service Area Number One.

Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Illinois Revenue Act of 1959. Said levy shall not be passed earlier than six months following the Village's acceptance of the public improvements to be constructed as described herein.

(Ord. 92-23. Passed 10-19-92.)

**1080.02 SPECIAL SERVICE AREA NUMBER TWO.**

(a) Establishment; Description. A special service area, to be known and designated as "Village of Elburn Special Service Area Number Two," is hereby established and shall consist of the following described territory:

- (1) That part of Section 8, Township 39 North, Range 7, East of the Third Principal Meridian, described as follows: beginning at the northeast corner of the northwest quarter of said section: thence south 87 degrees 22 minutes 56 seconds west along the north line of said northwest quarter 1324.10 feet measured (1322.0 feet deed) to the northeast corner of a tract described in deed recorded October 28, 1966, as Document No. 1079371; thence south 01 degree 00 minutes 00 seconds east along the east line of said Document No. 1079371 and also the east line of a tract described in deed recorded January 29, 1979, as Document No. 1492218, 2000.70 feet to the northeast corner of Rombury Oaks Subdivision, a subdivision of said Section 8; thence south 0 degrees 53 minutes 23 seconds east along the east line of said subdivision, 259.64 feet; thence, north 88 degrees 08 minutes 26 seconds east, 25.00 feet; thence south 0 degrees 53 minutes 23 seconds east, parallel with the east line of said subdivision, 400.00 feet; thence north 88 degrees 08 minutes 26 seconds east along an old fence line, 1297.09 feet to a stone; thence south 01 degree 00 minutes 55 seconds east along an old fence line, 694.28 feet to the centerline of Hughes Road: thence south 73 degrees 27 minutes 33 seconds east, 395.10 feet to a point of curve; thence southeasterly along said centerline, being on a curve to the right and having a radius of 4772.39 feet, an arc distance of 493.30 feet (the chord of the last described line bearing south 70 degrees 28 minutes 05 seconds east, 498.07 feet); thence north 0 degrees 50 minutes 29 seconds west along an old fence line, 1356.97 feet; thence north 87 degrees 37 minutes 32 seconds east along an old fence line, 857.66 feet; thence north 01 degree 11 minutes 20 seconds west along an old fence line, 2286.56 feet to the north line of the northeast quarter of said Section 8; thence south 89 degrees 03 minutes 45 seconds west along said north line, 1694.07 feet to the point of beginning, (excepting therefrom that part described as

follows: commencing at the northeast corner of the northwest quarter of said Section 8; thence south 87 degrees 22 minutes 56 seconds west along the north line of said northwest quarter, a distance of 943.10 feet to the point of beginning; thence continuing south 87 degrees 22 minutes 56 seconds west along said north line, 381.0 feet to the northeast corner of Document No. 1079371, aforesaid; thence south 01 degree 00 minutes 00 seconds east along the east line thereof, 586.75 feet; thence north 86 degrees 52 minutes 24 seconds east, 381.11 feet; thence north 01 degree 00 minutes 00 seconds west and parallel to said Document No. 1079371, a distance of 583.36 feet to the point of beginning of said exception in Blackberry Township, Kane County, Illinois.

- (2) That part of the east half of Section 8, part of Section 9 and part of the northwest quarter of Section 16, all in Township 39 North, Range 7, East of the Third Principal Meridian, described as follows: beginning at a point on the north line of said Section 9 that is 57.75 feet westerly of the northeast corner of the northwest quarter of said Section 9; thence westerly along said north line 2558.55 feet to the northwest corner of the northwest quarter of said Section 9; thence westerly along the north line of the northeast quarter of said Section 8, forming an angle of 181 degrees 42 minutes 59 seconds with the last described course (measured clockwise therefrom), 971.03 feet to the northeast corner of a tract of land described in Document 91k09354; thence southerly along an east line of said tract, being along an old fence line, forming an angle of 89 degrees 44 minutes 40 seconds with the last described course (measured clockwise therefrom), 2286.56 feet; thence westerly along a southerly line of said tract, being along an old fence line forming an angle of 91 degrees 11 minutes 08 seconds with the last described course (measured counter-clockwise therefrom), 857.66 feet; thence southerly along an easterly line of said tract, being along an old fence line forming an angle of 91 degrees 31 minutes 59 seconds with the last described course (measured clockwise therefrom), 1355.05 feet to the centerline of Hughes road; thence southeasterly along said centerline, being a curve to the right, having a radius of 4774.74 feet, 325.48 feet to a point of tangency; thence southeasterly along said centerline tangent to the last described curve at the last described point, 1664.28 feet to the east line of said Section 8; thence northeasterly at right angles to said centerline, 190.0 feet; thence southeasterly parallel with said centerline, 277.46 feet; thence southwesterly at right angles to said centerline, 190.0 feet to said centerline; thence southeasterly along said centerline 384.60 feet to a point of curvature; thence southeasterly along said centerline, being a

curve to the right, having a radius of 747.48 feet, 570.58 feet to a point of tangency; thence southeasterly along said centerline, tangent to the last described curve at the last described point, 415.51 feet to a point that is 121.40 feet northwesterly of the intersection of said centerline with the centerline of Pouley Road; thence northeasterly along a line forming an angle of 70 degrees 40 minutes 13 seconds with the last described course (measured clockwise therefrom), 764.77 feet to the northwest corner of Lot 1, Compton's Unit No. 2, Town of Blackberry, Kane County, Illinois; thence northeasterly along the northwesterly line of said Lot 1, forming an angle of 179 degrees 58 minutes 26 seconds with the last described course (measured clockwise therefrom), 149.0 feet to the northeast corner of said Lot 1; thence continuing northeasterly along the prolongation of the last described course, 600.0 feet; thence northerly along a line forming an angle of 136 degrees 53 minutes 28 seconds with the last described course (measured clockwise therefrom), 505.45 feet; thence easterly along a line forming an angle of 100 degrees 47 minutes 47 seconds with the last described course (measured counter-clockwise therefrom), 568.44 feet to the centerline of Pouley Road; thence northerly along the centerline of Pouley Road, forming an angle of 88 degrees 30 minutes 16 seconds with the last described course (measured clockwise therefrom), 3501.19 feet to the southeast corner of a tract of land conveyed to Samuel Powley by deed recorded November 19, 1874, in Book 148 at Page 488, as Document 6758; thence westerly along the south line of said Powley tract, forming an angle of 92 degrees 15 minutes 20 seconds with the last described course (measured clockwise therefrom), 24.75 feet to the southwest corner of said Powley tract; thence northerly along the west line of said Powley tract, forming an angle of 92 degrees 10 minutes 30 seconds with the last described course (measured counter-clockwise therefrom), 795.16 feet to the point of beginning in the Village of Elburn, Kane County, Illinois.

An accurate map of all of the territory described in this subsection is attached to original Ordinance 2001-23, passed December 3, 2001, as Exhibit A.

(b) Purpose; Levy of Annual Tax.

- (1) The Village of Elburn Special Service Area Number Two is established to provide special municipal services to the area, including, but not limited to, municipal services in connection with the maintenance of the following: water management facilities, including but not limited to storm water detention and retention basin areas, inlet and outlet structures, connection storm sewers, connecting surface drainage

channels, subsurface drainage systems, and dedicated public access ways; parks and open space and facilities located therein including but not limited to bike paths and storm sewer improvements.

- (2) A special tax not to exceed fifty cents (\$0.50) per one hundred dollars (\$100.00) assessed valuation, as equalized, shall be levied against the subject real estate.

(Ord. 2001-18. Passed 8-13-01; Ord. 2001-23. Passed 12-3-01.)

### **1080.03 BACK-UP SPECIAL SERVICE AREA NUMBER THREE.**

(a) Establishment; Description. A special service area, to be known and designated as "Village of Elburn Back-Up Special Service Area Number Three," is hereby established and shall consist of the following described territory:

- (1) That part of the Southeast Quarter of Section 31, Township 40 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the point of intersection of the center line of State Highway No. 47 with the center line of U.S. Highway No. 30a as now established (being the center line of Federal Aid Route No. 7); thence south 84 degrees 43 minutes 56 seconds west along the center line of said U.S. Highway No. 30a, 443.0 feet; thence south 0 degrees 14 minutes 41 seconds west, parallel with the center line of State Highway No. 47 running southerly 64.0 feet to the southerly line of said U.S. Highway No. 30a for the point of beginning; thence south 0 degrees 14 minutes 41 seconds west along the prolongation of the last described course, 103.16 feet; thence north 85 degrees 01 minutes 42 seconds east along a line which if extended would intersect the center line of said State Highway No. 47 at a point of 169.45 feet south 0 degrees 14 minutes 41 seconds west of the point of commencing 362.46 feet to a line drawn with the center line of said State Highway No. 47 and 80.0 feet normally distant westerly therefrom; thence south 0 degrees 14 minutes 41 seconds west along said parallel line, 123.25 feet to a line drawn at right angles to the center line of said State Highway No. 47 from a point on said center line which is 300.0 feet south 0 degrees 14 minutes 42 seconds west of the point of commencing: thence south 45 degrees 14 minutes 41 seconds west 98.99 feet to a line drawn parallel with the center line of said State Highway No. 47 and 150.0 feet normally distant westerly therefrom; thence south 0 degrees 14 minutes 41 seconds west along said parallel line, 55.0 feet; thence south 44 degrees 45 minutes 19 seconds east, 127.28 feet to a line drawn parallel with the center line of said State Highway No. 47 and 60.0 feet normally distant westerly therefrom;

thence south 0 degrees 14 minutes 41 seconds along said parallel line, 802.64 feet; thence south 1 degree 00 minutes 36 seconds west along a line drawn parallel with the center line of said State Route No. 47 and 60.0 feet normally distant westerly therefrom, 190.78 feet to a line drawn parallel with and 1138.5 feet north of (measured along the east line of said southeast quarter) the south line of said southeast quarter; thence south 89 degrees 06 minutes 48 seconds west along said parallel line, 731.91 feet to a point which is 783.75 feet south 89 degrees 06 minutes 48 seconds west of (measured along said parallel line) the east line of said southeast quarter; thence north parallel with the east line of said southeast quarter, 1385.37 feet to the southerly line of said U.S. Highway 30a; thence north 84 degrees 43 minutes 56 seconds east along said southerly line, 249.69 feet to an angle in said southerly line; thence north 87 degrees 53 minutes 36 seconds east along said southerly line, 59.85 feet to an angle in said southerly line, thence north 85 degrees 11 minutes 33 seconds east along said southerly line, 51.14 feet to the point of beginning, excepting therefrom that part thereof described as follows: beginning at the southwest corner of said tract; thence north parallel with the east line of said southeast quarter, 1385.87 feet to the southerly line of said U.S. Highway No. 30a; thence easterly along said southerly line, 6.7 feet; thence southerly along a fence line to the point of beginning and also excepting therefrom that part of said tract described as follows: commencing at said southwest corner of said tract; thence north parallel with the east line of said southeast quarter, 5.0 feet; thence easterly along a fence line to a point where said fence line intersects the south line of said above described tract; thence westerly along said south line to the point of beginning (except that part conveyed from Hall to Capes by Deed Doc. 1239203, recorded September 12, 1972), all in the Township of Campton, Kane County, Illinois.

- (2) That part of the southeast quarter of Section 31, Township 40 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the point of intersection of the centerline of State Highway 47 with the centerline of Illinois Route 38 (formerly known as U.S. Highway 30a) as now established (being the centerline of Federal Aid Route 7); thence south 0 degrees 14 minutes 41 seconds west along said centerline of State Highway 47, 169.45 feet; thence south 85 degrees 01 minute 42 seconds west, 80.33 feet to a point on a line drawn parallel with the centerline of said State Highway 47 and 80.0 feet normally distant westerly therefrom; thence south 0 degrees 14 minutes 41 seconds west along said parallel line, 123.25 feet to a line drawn at right

angles to said centerline of State Highway 47 from a point on said centerline of State Highway 47 which is 300.00 feet south 0 degrees 14 minutes 41 seconds west of the point of commencing for a point of beginning at a northeast corner of lands dedicated by Document 994602; thence continuing south 0 degrees 14 minutes 41 seconds west along said parallel line, 15.82 feet; thence south 21 degrees 13 minutes 01 second west, 38.51 feet; thence south 30 degrees 21 minutes 26 seconds west, 23.31 feet; thence south 11 degrees 53 minutes 41 seconds west, 24.17 feet; thence south 15 degrees 52 minutes 52 seconds east, 23.53 feet; thence south 41 degrees 46 minutes 50 seconds east, 35.59 feet to a point on said parallel line; thence south 0 degrees 14 minutes 41 seconds west along said parallel line, 50.35 feet to a point on a southerly line said lands dedicated by Document 994602; thence north 44 degrees 45 minutes 19 seconds west along said southerly line, 98.99 feet to a line drawn parallel with said centerline of State Highway 47 and 150.0 feet normally distant westerly therefrom, being also a westerly line of said lands dedicated by Document 994602; thence north 0 degrees 14 minutes 41 seconds east along the last described parallel line, 55.00 feet; thence north 45 degrees 14 minutes 41 seconds east along a northerly line of said lands dedicated by Document 994602, 98.99 feet to the point of beginning, and also that part of said southeast quarter of said Section 31 described as follows: commencing at the point of intersection of the centerline of State Highway 47 with the centerline of Illinois Route 38 (formerly known as U.S. Highway 30a) as now established (being the centerline of Federal Aid Route 7); thence south 0 degrees 14 minutes 41 seconds west along said centerline of State Highway 47, 169.45 feet; thence south 85 degrees 01 minute 42 seconds west, 80.33 feet to a point on a line drawn parallel with the centerline of said State Highway 47 and 80.0 feet normally distant westerly therefrom; thence south 0 degrees 14 minutes 41 seconds west along said parallel line, 318.25 feet to a point on a southerly line of said lands dedicated by Document 994602 for a point of beginning; thence south 89 degrees 45 minutes 19 seconds east, 20.0 feet to a point on a line drawn parallel with the centerline of said State Highway 47 and 60.0 feet normally distant westerly therefrom; thence south 0 degrees 14 minutes 41 seconds west along the last described parallel line, 20.0 feet to said southerly line of lands dedicated by Document 994602; thence north 44 degrees 45 minutes 19 seconds west along said southerly line, 28.28 feet to the point of beginning in Kane County, Illinois containing 6,718.17 square feet (0.1542 acres) more or less.

Said area consists of approximately 19.33 acres and is bounded on the North by Route 38 and on the East by Route 47.

(b) Purpose; Levy of Annual Tax.

- (1) The Village of Elburn Special Service Area Number Three is established to provide special municipal services to the area, including, but not limited to, municipal services in connection with the maintenance and operation of the following: stormwater management facilities, stormwater detention ponds and retention basin areas, inlet and outlet structures, connection storm sewers, connecting surface drainage channels, subsurface drainage systems.
- (2) A special tax not to exceed forty cents (\$0.40) per one hundred dollars (\$100.00) assessed valuation, as equalized, shall be levied against the subject real estate. Said taxes shall be in addition to all other taxes provided for law and shall be levied pursuant to the provisions of the Revenue Act of 1939.  
(Ord. 2003-4. Passed 3-7-04.)

**1080.04 SPECIAL SERVICE AREA NUMBER FOUR.**

(a) Establishment; Description. A special service area, to be known and designated as “Village of Elburn Special Service Area Number Four,” is hereby established and shall consist of the following described territory:

- (1) Lot 64 of Prairie Valley North, being a subdivision of part of the West Half of Section 32, Township 40 North, Range 7 East of the Third Principal Meridian, according to the Plat thereof recorded October 21, 1999 as Document No. 1999K100746, in the Village of Elburn, Kane County, Illinois. (PIN 08-32-156-002)
- (2) An accurate map of said subject real estate is attached to original Ordinance 2004-19, passed 10-18-04.

(b) Purpose; Levy of Annual Tax.

- (1) The Village of Elburn Special Service Area Number Four is established to provide a special municipal service to the area, including, but not limited to, municipal services in connection with maintaining and operating: storm water management facilities, including, but not limited to, storm water detention and retention basin areas, inlet and outlet structures, connection storm sewers, connecting surface drainage channels, subsurface drainage systems, dedicated public access ways, bike paths, parks, open space and facilities located therein.
- (2) A special tax not to exceed seventy-five cents (\$0.75) per one hundred dollars (\$100.00) assessed valuation, as equalized, shall be levied against the subject real estate.  
(Ord. 2004-19. Passed 10-18-04.)



**1080.05 SPECIAL SERVICE AREA NUMBER FIVE.**

(a) Establishment; Description. A special service area, to be known and designated as “Village of Elburn Special Service Area Number Five,” is hereby established and shall consist of the following described territory:

- (1) That part of the south half of the southwest fractional quarter of Section 6, Township 39 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the southwest corner of said south half; thence easterly along the south line of said south half 214.50 feet (13 rods); thence northeasterly 1356.58 feet to a point on the north line of said south half that is 511.50 feet (31 rods) easterly of the northwest corner of said south half for a point of beginning; thence southwesterly along the last described course 908.34 feet to a point that is 435.40 feet northerly of said south line (measured at right angles thereto); thence easterly parallel with said south line, which forms an angle of 76 degrees 14 minutes 42 seconds with the last described course (measured clockwise therefrom), 770.48 feet to a line drawn parallel with and 66.0 feet westerly of the west line of Unit 2, Thryselius Subdivision, Village of Elburn, Kane County, Illinois; thence southerly along said parallel line, which forms an angle of 89 degrees 40 minutes 30 seconds with the last described course (measured counterclockwise therefrom), 435.41 feet to said south line; thence easterly along said south line, which forms an angle of 89 degrees 40 minutes 30 seconds with the last described course (measured clockwise therefrom), 66.0 feet to the southwest corner of said Unit 2, thence northerly along said west line and said west line extended 1062.92 feet to the south line of the north 256.00 feet of said south half; thence easterly, parallel with the north line of said south half, which forms an angle of 90 degrees 26 minutes 03 seconds with the last described course (measured counterclockwise therefrom), 495.27 feet to the east line of said southwest quarter; thence northerly along said east line, which forms an angle of 90 degrees 26 minutes 03 seconds with the last described course (measured clockwise therefrom), 256.01 feet to the north line of said south half; thence westerly along said north line, which forms an angle of 89 degrees 33 minutes 57 seconds with the last described course (measured clockwise therefrom), 1120.82 feet to the point of beginning, in Blackberry Township, Kane County, Illinois.
- (2) An accurate map of said subject real estate is attached to original Ordinance 2004-20, passed 10-18-04.)

(b) Purpose; Levy of Annual Tax.

- (1) The Village of Elburn Special Service Area Number Five is established to provide special municipal services to the area, including, but not limited to: maintaining and operating storm water management facilities, including, but not limited to, storm water detention and retention basin areas, inlet and outlet structures, connection storm sewers, connecting surface drainage channels, subsurface drainage systems, dedicated public access ways, bike paths, parks, open space and facilities located therein.
- (2) A special tax not to exceed fifty cents (\$0.50) per one hundred dollars (\$100.00) assessed valuation, as equalized, shall be levied against the subject real estate.  
(Ord. 2004-20. Passed 10-18-04.)

