

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE

51. GAS

52. SEWER USE

53. WATER AND SEWERS

54. WATER WELLS

55. UTILITY SYSTEM HOOK-UP FEES

**56. CONSTRUCTION OF UTILITY FACILITIES IN THE
RIGHTS-OF-WAY**

CHAPTER 50: GARBAGE

Section

- 50.01 Establishment of garbage and refuse collection and disposal system
- 50.02 Authority of the Board to adopt service charges; rules and regulations
- 50.03 Pick-up and disposal fees
- 50.04 Certain large appliances and dangerous substances ineligible for pick-up
- 50.05 Billing procedures
- 50.06 Failure of payment; discontinuance of utility service
- 50.07 Preparation for collection
- 50.08 Improper disposal of garbage prohibited
- 50.09 Prima facie evidence of responsibility for violation

§ 50.01 ESTABLISHMENT OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL SYSTEM.

There is hereby established a garbage and refuse collection and disposal system for the city, which shall be maintained and operated by the city as a governmental function in its corporate capacity under the direction of the Commissioner of Finance.

(Ord. 305, passed 8-7-72)

§ 50.02 AUTHORITY OF COUNCIL TO ADOPT SERVICE CHARGES; RULES AND REGULATIONS.

The City Council shall by resolution or ordinance adopt from time to time such service charges, rules and regulations as it may deem expedient and proper governing the collection and disposal of garbage and refuse under this chapter.

(Ord. 305, passed 8-7-72)

§ 50.03 PICKUP AND DISPOSAL FEES.

The city shall finance the collection and disposal of garbage and refuse hereunder by service charges to be collected from persons, firms and corporations receiving service. Such service charges shall be established as can reasonably be expected to yield revenue not in excess of the costs of operation, maintenance, overhead and an adequate depreciation fund. Until modified by the Board, the schedule of such charges shall be as follows:

(A) City domestic residents (single family homes): \$3 per month for one pickup each week.

(B) City domestic residents (apartments): Where occupants of apartment buildings do not receive individual water billings, the building owners shall be charged \$3 per month per apartment.

(C) City business and commercial establishments: \$5 for each pickup.

(D) Where garbage and refuse collection and disposal service is made available to domestic residents and to business and commercial establishments outside the city limits by the Board, the charges for service shall be made at two times the charges established in divisions (A), (B), and (C) of this section.

(E) Charges for the disposal of large and unusual items not specifically mentioned as ineligible for pickup in § 50.04 shall be at the discretion of the city; also charges under divisions (C) and (D) of this section to particular business and commercial establishments shall be subject to modification by the City Council if volume is excessive.

(Ord. 305, passed 8-7-72; Am. Ord. 382, passed 5-7-79)

§ 50.04 CERTAIN LARGE APPLIANCES AND DANGEROUS SUBSTANCES INELIGIBLE FOR PICKUP.

(A) Refrigerators, stoves, washing machines, dryers, freezers, water heaters and other similar large appliances and junked vehicles shall not be picked up by the city and shall not be stored or allowed to accumulate on any property within the limits of the city.

(B) Dangerous substances, including chemicals, radioactive materials and explosives, shall not be accepted. Acceptance of any questionable material shall be at the discretion of the person in charge of the landfill site used by the city.

(Ord. 305, passed 8-7-72) Penalty, see § 10.99

§ 50.05 BILLING PROCEDURES.

The city shall mail bills for the collection and disposal of garbage and refuse service charges on a monthly basis, and the City Water Department is hereby directed and authorized to state the amount due for such devices on the same postcard as the monthly water and sewer bill. In the event that users of garbage and refuse collection and disposal service do not receive a water and sewer bill, charges for such service shall be billed in a manner prescribed by the City Council. Collections for such services shall be kept separate and apart from water and sewer collections and shall not be regarded as income from the Water and Sewer Department.

(Ord. 305, passed 8-7-72)

§ 50.06 FAILURE OF PAYMENT; DISCONTINUANCE OF UTILITY SERVICE.

When the occupant of any premises, or the owner of any apartment building fails or refuses to pay the service charges as provided herein, the City Council shall notify the occupant or owner of such fact, and shall refuse further collections and disposal until the required fee is paid. If such failure and refusal to pay continues for a period of 30 days or more, the city may, subject to the hearing requirements of § 51.13, cut off all or part of the utilities being furnished by the city to such party until such charges are paid in full and penalties thereon, if any, are paid.

(Ord. 305, passed 8-7-72)

§ 50.07 PREPARATION FOR COLLECTION.

All garbage shall be wrapped in paper and all garbage and refuse for collection by the city shall be placed in containers having a capacity of not more than 30 gallons equipped with a cover and handles or in plastic bags tied securely at the top. All such containers and plastic bags shall be placed at the street curb, not later than 5:00 a.m. on the day of pickup. The city shall from time to time notify the parties entitled to such services of the day or days of pickup.

(Ord. 305, passed 8-7-72)

§ 50.08 IMPROPER DISPOSAL OF GARBAGE PROHIBITED.

It shall be unlawful to dump, burn, or place any garbage, refuse, trash, ashes, junked appliances or vehicles on any premises within the corporate limits.

(Ord. 305, passed 8-7-72) Penalty, see § 10.99

§ 50.09 PRIMA FACIE EVIDENCE OF RESPONSIBILITY FOR VIOLATION.

The fact that garbage, refuse, trash, ashes, junked appliances or vehicles remain on the premises of any occupant or owner within the city limits in violation of this chapter, shall be prima facie evidence that the occupant or owner of such premises is responsible for the violation of the penalty occurring.

(Ord. 305, passed 8-7-72)

CHAPTER 51: GAS

Section

General Provisions

- 51.01 Permit required
- 51.02 Application procedures
- 51.03 Duty of City Clerk
- 51.04 Rates
- 51.05 Rate increase
- 51.06 Billing procedures
- 51.07 Estimation of charges due to meter failure
- 51.08 No free service
- 51.09 Tapping charge
- 51.10 Ownership of gas system equipment
- 51.11 Reduction of service
- 51.12 Records
- 51.13 Disconnection for late payment

Prohibitions

- 51.20 Interference with gas system
- 51.21 Obstruction of free access
- 51.22 Unregulated connections prohibited
- 51.23 Use of connection for multiple dwellings prohibited

Suburban Gas Users

- 51.40 Definition
- 51.41 Application for connection
- 51.42 Gas meters provided
- 51.43 Rates
- 51.44 Policy during shortage of supply
- 51.45 Service upon discretion
- 51.46 Right of ingress and egress

Safety Regulations

- 51.55 Unapproved attachments prohibited
- 51.56 Standards; compliance required
- 51.57 Standards of piping
- 51.58 Vents required
- 51.59 Testing
- 51.60 Inspections
- 51.61 Discontinuance of service

GENERAL PROVISIONS**§ 51.01 PERMIT REQUIRED.**

No person shall take any gas from any main, pipe, or other part of the city's Natural Gas System except upon application to the city and issuance by the city of a permit in accordance with the provisions of this chapter, and no permit shall be issued for any gas supply or service unless the same is measured through a meter in accordance with the provisions of this chapter.

(Ord. 189, passed 2-22-58) Penalty, see § 10.99

§ 51.02 APPLICATION PROCEDURES.

(A) Before any customer will be served with gas by the natural gas system, such customer shall make an application to the City Clerk for connection to the gas system and shall accompany his application with his certificate and a certificate by the person installing the piping and appliance that the piping and gas appliances or accessories will be or have been installed in conformity with the provisions of this chapter. (Ord. 191, passed 6-2-58; Am. Ord. 191A, passed 9-15-58)

(B) Each applicant for gas supply or service shall file with the city an application in writing, setting forth the name of the applicant, the location of the premises for which the supply or service is sought, the name of the owner of the premises, the nature and size of the proposed service and the proposed use thereof. If the applicant is not the owner of the premises, the city may require as a condition to the issuance of a permit the written consent of the owner thereto. The city may require a deposit against future bills for gas from the applicant if circumstances warrant the same.

(C) Upon receipt of an application as provided in the division (B) of this section a permit may be issued by the city for the installation of gas service and for the supplying of gas in accordance with the provisions of this chapter, but no permit shall be issued to any applicant while he is in default in the payment of any past due account owing to the city for a gas supply or service or installation theretofore rendered or made, including the \$2 monthly charges, if any, under § 51.09.

(Ord. 189, passed 2-22-58)

§ 51.03 DUTY OF CITY CLERK.

The City Clerk shall receive applications for gas supply or service and issue permits therefor as provided herein.

(Ord. 189, passed 2-22-58)

§ 51.04 RATES.

(A) Gas supplied through meters shall be at the following rates and paid to the city on or before the tenth day of the month in which due; provided, if such rates are not paid on or before such date, a penalty of 10% shall be added thereto and paid by the user:

<i>Gas Rates</i>	
First 2,000 cubic feet per month	\$4 minimum
All over 2,000 cubic feet per month	\$1.60 per M.C.F.

(B) Provided, however, the minimum charge for each user per meter shall be \$4 per month; and provided further that such minimum charge shall be deemed to be a service charge to the user and shall be charged and collected whether gas is used or not. If gas is furnished to a user who is not the owner of the premises where the gas is used, neither the owner nor the property shall be liable therefor.

(Ord. 189, passed 2-22-58; Am. Ord. 290, passed 12-21-70; Am. Ord. 355, passed 1-27-77; Am. Ord. 379, passed 4-2-79)

§ 51.05 RATE INCREASE.

The rates provided in §§ 51.04 and 51.43 will be increased automatically without further notice to the user in the event the supplier of gas to the city increases the cost of the gas to the city and such increase of cost to the user shall be at the same rate plus operating expenses to the city.

(Ord. 355, passed 1-27-77; Am. Ord. 379, passed 4-2-79)

§ 51.06 BILLING PROCEDURES.

The charges for gas services rendered during each calendar month shall be due on the first day of the succeeding calendar month and payable to the city on or before the tenth day of such succeeding calendar month. In the event of non-payment of any gas bill or addition thereto as provided herein on or before the twentieth day of the month in which the same falls due, the gas to such delinquent consumers shall be shut off, subject to the hearing requirements of § 51.13. Whenever the gas is shut off from the service to any consumer or property for any reason, whether voluntary or involuntary, or because of the non-payment of any bill for gas or material or labor properly charged to such consumer, a fee of \$2 shall be charged and extended to any delinquent user, or new user, as the case

may be and no gas service shall thereafter be rendered to a delinquent user until all such bills and claims, including the fee of \$2 shall have been paid in full and discharged. All such payments shall be made at the office of the City Clerk.

(Ord. 189, passed 2-22-58)

§ 51.07 ESTIMATION OF CHARGES DUE TO METER FAILURE.

If a meter at any time fails to register the quantity of gas, the quantity shall be estimated and then the charge to be made shall be based on the average quantity registered during the period of time prior to the date of failure which is reasonable and comparable to the period in which such failure occurs.

(Ord. 189, passed 2-22-58)

§ 51.08 NO FREE SERVICE.

No customer of the gas utility shall receive any free service, of any kind whatsoever, and further the city, shall pay the regularly established rates and charges, as provided by this chapter for all gas consumed or used by the city.

(Ord. 189, passed 2-22-58)

§ 51.09 TAPPING CHARGE.

Prior to the completion of the initial construction of the city's Natural Gas System, the city shall furnish and install to the outer limits of the structure to be served the necessary service connections, regulator and meter. If the applicant does not connect with the system and take gas when available, such applicant shall pay to the city \$2 per month for a period of 24 months or until he connects with the system, whichever period is shorter. After the initial construction of the system is completed, each applicant for gas service shall pay the sum of \$35 to the city as a tapping charge, and in addition thereto each applicant shall, at his own cost and expense, furnish all labor and materials including, but not limited to, all pipes, valves, fittings, regulators and other appurtenances, but exclusive of the meter which shall be furnished by and remain the property of the city, which are necessary for the service connection from the city's main to the applicants premises and fixtures; such applicant shall furnish and install only such materials as are approved by the city and the same shall be installed in a good and workmanlike manner, subject in all things to approval by the city. No applicant shall receive gas service unless and until his service connection has been approved by the city.

(Ord. 189, passed 2-22-58)

§ 51.10 OWNERSHIP OF GAS SYSTEM EQUIPMENT.

All meters, pipes, and other equipment which are installed by the city shall be and remain the property of the city and consumers using the same shall be responsible for the safekeeping thereof. If any meter, pipe, or other equipment which is installed by the city shall be damaged or destroyed by

any cause which could have been prevented by the exercising of ordinary care and caution, then, and in such case the cost of repairing or replacing the same shall be charged to and paid by the consumer responsible therefor.

(Ord. 189, passed 2-22-58)

§ 51.11 REDUCTION OF SERVICE.

If at any time and for any reason the volume of gas available for delivery by the city is not adequate to supply all the demands on the city, the city shall have the right, upon such notice as is reasonable under the circumstances, to reduce or discontinue the delivery of gas, first to its commercial users and finally to its residential users, and such reduction or discontinuance as the case may be, shall continue as long as such shortage of supply exists. Notice of reduction or discontinuance of delivery shall be given to users on a reasonable non-discriminatory basis. Whenever notice is given by the city to any user to reduce or discontinue his use of gas, such consumer shall comply therewith until he is notified by the city that such shortage no longer exists. If any user fails to reduce his use of gas in compliance with any notice to him so to do, the city may completely discontinue supplying gas to him while such shortage continues. For the purposes of this section but not as a limitation thereof, the city's supply of gas shall be deemed to be inadequate if and to the extent that the total demands on it exceed the city's contract demand under its contract with its supplier.

(Ord. 189, passed 2-22-58) Penalty, see § 10.99

§ 51.12 RECORDS.

It will be the duty of the Gas Department of the city to keep proper records of all tests of piping for gas installation, and all appliances and all accessories inspected, including the kind, make, model, serial number and input rating of all appliances, and the location thereof in the building, and including the name and address of the owner, occupant, and the person making the installation.

(Ord. 191, passed 6-2-58)

§ 51.13 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$20.

PROHIBITIONS

§ 51.20 INTERFERENCE WITH GAS SYSTEM.

It shall be unlawful for any person to move, replace, tamper with, or interfere in any manner with any gas main, pipe, meter or other part of the city's natural gas system without a permit therefor as provided in this chapter.

(Ord. 189, passed 2-22-58) Penalty, see § 10.99

§ 51.21 OBSTRUCTION OF FREE ACCESS.

No person shall in any manner obstruct or permit or cause to be obstructed the free access of any officer or employee of the city to any valve meter, shut-off box, or connection with any gas main or service pipe by means of any coal, lumber, brick, building material, or by any other means, shift or devise whatever, or refuse or prevent free access thereto by such officer or employee whenever such officer or employee shall desire access thereto in the performance of his duties. The officers of the city and any and every person delegated or authorized by the city for such purpose shall have free access to all and any part of any building, structure, or premises to which gas is supplied by the city for the purpose of examining the taps, pipes, and fixtures therein. Gas service may be discontinued by the city as to any premises regarded by the city as unsafe for gas service.

(Ord. 189, passed 2-22-58) Penalty, see § 10.99

§ 51.22 UNREGULATED CONNECTIONS PROHIBITED.

Taps and connections to mains or any part or portion of the city's natural gas system shall be made only by the city and shall be made in accordance with such reasonable rules and regulations as may be prescribed by the city. The letting of gas to and the turning off of gas from all buildings, structures or premises and into and from all connections and service shall be under the exclusive control of the city and no plumber or other person shall let gas to or from any service or connection for any purpose whatever without permission therefor.

(Ord. 189, passed 2-22-58) Penalty, see § 10.99

§ 51.23 USE OF CONNECTION FOR MULTIPLE DWELLINGS PROHIBITED.

No person shall connect gas pipes or conduct gas into any two distinct premises or tenements unless separate and distinct meters shall be placed and located for each such premises, nor shall any gas pipe be allowed to cross into adjoining premises.

(Ord. 189, passed 2-22-58) Penalty, see § 10.99

SUBURBAN GAS USERS**§ 51.40 DEFINITION.**

Applicants for natural gas for use outside the corporate limits of the city shall be called ***SUBURBAN GAS USERS*** and may connect with the natural gas system of the city by the terms provided in §§ 51.41 through 51.46.

(Ord. 189A, passed 9-2-58)

§ 51.41 APPLICATION FOR CONNECTION.

Residents or owners of property outside the corporate limits of the city may make application to the city to tap on or connect with the city's owned and operated gas system. Such application shall be accompanied by a tapping fee of a sum equal to \$50 for 50 feet or less of frontage of applicant's property on the line, plus an additional \$1 for each foot of frontage in excess of 50 feet.

(Ord. 263, passed 5-6-68)

§ 51.42 GAS METERS PROVIDED.

The city shall furnish the meter and the line to the meter. The location of the meter shall be designated by the city. The applicant shall pay all costs of the meter setting and of the line and installation of the same from the meter to a connection or connections on his property.

(Ord. 263, passed 5-6-68)

§ 51.43 RATES.

(A) The suburban gas users shall pay such rates for natural gas as the city from time to time shall determine and such rates shall be known as the “suburban gas rates.” The suburban gas rates shall be as follows:

<i>Suburban Rate Schedule</i>	
First 2,000 cubic feet per month	\$5.00 minimum
All over 2,000 cubic feet per month	\$1.90 per M.C.F.

(B) Provided, however, the minimum charge for each user per meter shall be \$5 per month; and provided further that such minimum charge shall be deemed to be a service charge to the user and shall be charged and collected whether gas is used or not. If gas is furnished to a user who is not the owner of the premises where the gas is used, neither the owner nor the property shall be liable therefor. (Ord. 189A, passed 9-2-58; Am. Ord. 290, passed 12-21-70; Am. Ord. 355, passed 1-27-77; Am. Ord. 379, passed 4-2-79)

§ 51.44 POLICY DURING SHORTAGE OF SUPPLY.

In the event of an insufficient supply of natural gas for both users within the city and users outside the corporate limits of the city, the city shall have the right to disconnect the suburban gas users until the city's supply of natural gas is sufficient to serve all users, both within and without the city. (Ord. 189A, passed 9-2-58)

§ 51.45 SERVICE UPON DISCRETION.

Nothing contained herein shall be construed as an obligation on the part of the city to approve the application or to continue rendering gas service to any property outside the corporate limits of the city, but such service or continued service shall be within the sole discretion of the city from time to time. (Ord. 189A, passed 9-2-58; Am. Ord. 263, passed 5-6-68)

§ 51.46 RIGHT OF INGRESS AND EGRESS.

Each suburban gas user shall grant to the city the right of ingress and egress to their property for the purpose of inspecting service lines and gas appliances and for the purpose of connecting and disconnecting suburban gas users from the city's natural gas system. (Ord. 189A, passed 9-2-58)

SAFETY REGULATIONS**§ 51.55 UNAPPROVED ATTACHMENTS PROHIBITED.**

No gas appliances or accessories shall be attached to the Natural Gas System unless such appliance or accessory has been approved by a national recognized testing agency of gas appliances and accessories, and carries such approval plate in a conspicuous place.

(Ord. 191, passed 6-2-58) Penalty, see § 10.99

§ 51.56 STANDARDS; COMPLIANCE REQUIRED.

No piping, appliances or accessories shall be installed in connection with the natural gas system unless the installation complies with the standards recommended by the American Gas Association in its manual entitled "Installation of Gas Piping and Gas Appliances in Buildings," approved November 29, 1954. (Ord. 191, passed 6-2-58) Penalty, see § 10.99

§ 51.57 STANDARDS OF PIPING.

Notwithstanding the provision of § 51.56, the piping from the gas meter of the Natural Gas System through the foundation of the building where gas is to be used shall be rigid pipe of not less than ¾-inch inside diameter. Inside the structure the rigid pipe shall be increased to not less than one inch inside diameter. The rigid pipe shall be run to all gas appliances permanently affixed to the structure housing the same, such as hot water heaters and gas furnaces whether of the basement, floor or wall type. In the installation of space heaters, clothes dryers and gas ranges which are ordinarily regarded as personal property rather than something affixed to the real estate or a permanent part of the building housing the same, the rigid pipe shall run, either to and be connected with the gas appliances or, at the option of the owner, within four feet or less of the gas appliances and then connected to the gas appliances by flexible copper tubing approved by the American Gas Association. The rigid pipe shall be used not only through the foundation of the building but also through any floor before any flexible copper tubing is connected therewith. A cut-off valve should be installed in the rigid pipe as nearly as practical to each gas appliance so that gas may be disconnected from each gas appliance separately without disconnecting the gas from the other gas appliances.

(Ord. 191, passed 6-2-58; Am. Ord. 191A, passed 9-15-58) Penalty, see § 10.99

§ 51.58 VENTS REQUIRED.

Notwithstanding the provisions of § 51.56, all gas appliances, including, but not limited to, space heaters, furnaces and hot water heaters, and excepting gas ranges and clothes dryers, shall be vented to outside atmosphere to a height at least equal to the top of highest opening in the building or structure housing the same. No appliance shall be vented through a flue that is connected to any appliance or accessory operated by or in which coal is used.

(Ord. 191, passed 6-2-58; Am. Ord. 191A, passed 9-15-58) Penalty, see § 10.99

§ 51.59 TESTING.

Before connecting the gas with the premises the city employees will test the piping with all appliances and accessories turned off. If it is found that the piping leaks, the customer will be notified to repair the piping or install proper piping, and thereafter the Gas Department will again test the piping for leaks. A charge of \$1 will be made for the second test or for any other test that the customer requests after the initial test.

(Ord. 191, passed 6-2-58)

§ 51.60 INSPECTIONS.

(A) The Gas Department shall make periodic inspection of all installations of gas in the city and the appliances and accessories connected therewith, which inspection shall be made at least once per year. The inspectors shall check all appliances and accessories with the records of the Gas Department of appliances and accessories installed and shall inspect all of the installation, appliances and accessories for safety. However, no liability shall accrue to the city.

(B) If it is found upon inspection that an appliance does not comply with this chapter or that the same is not properly installed, the customer will be notified to replace the appliance or to make necessary corrections or repairs, and thereafter the Gas Department will again test the appliance for compliance with the notice. A charge of \$1 will be made for the second inspection, or for any other inspection that is necessary after the initial inspection.

(C) If gas is shut off from any appliance for any reason before the gas shall again be used, an inspection shall be requested of the Gas Department and an inspection by the Gas Department shall be made before the appliance is used.

(D) Every customer of gas from the Grayville Natural Gas System shall, before using, changing or replacing of any appliance, request an inspection of the appliance by the Gas Department of the city, and in each request shall state the kind, make, model (and serial number if there is one) and input rating of said appliance.

(Ord. 191, passed 6-2-58)

§ 51.61 DISCONTINUANCE OF SERVICE.

The Gas Department shall have the right to shut off gas and discontinue services at any time in the opinion of the gas inspectors of the city that the piping or appliances or accessories are unsafe.

(Ord. 191, passed 6-2-58)

CHAPTER 52: SEWER USE

Section

General Provisions

- 52.001 Definitions
- 52.002 Depositing objectionable waste prohibited
- 52.003 Discharging untreated sewage or other polluted water into natural outlets
- 52.004 Privies, septic tanks and other facilities
- 52.005 Owner's responsibility to install suitable toilet facilities
- 52.006 Tampering with or damaging sewage works structures or equipment
- 52.007 Extension of sewer mains

Private Sewage Disposal

- 52.020 Connecting building sewer to private sewage disposal system
- 52.021 Permit required
- 52.022 Inspection and approval of installation
- 52.023 Compliance with state regulations and agencies
- 52.024 Connection to public sewer required
- 52.025 Maintenance of private sewage disposal facilities
- 52.026 Noninterference with additional requirements
- 52.027 Connection of building sewer to public sewer

Building Sewers and Connections

- 52.040 Connection permit required
- 52.041 Compliance with federal, state and local standards
- 52.042 Building sewer permits
- 52.043 Costs and expenses of installation and connection of building sewer; indemnification
- 52.044 Separate building sewer provided for every building
- 52.045 Use of old building sewers with new buildings
- 52.046 Size and slope; alignment and laying of building sewer
- 52.047 Building drains; gravity flow to public sewers; approved lifters
- 52.048 Connection of sources of surface runoff or groundwater
- 52.049 Procedures and materials to conform to appropriate specifications
- 52.050 Inspection of connections to public sewer
- 52.051 Excavations; safety precautions

Use of Public Sewers

- 52.060 Discharge of stormwater and other unpolluted drainage
- 52.061 Prohibited discharges to public sewers
- 52.062 Discharge of certain wastes restricted
- 52.063 Pretreatment, equalization of waste flows
- 52.064 Grease, oil and sand interceptors
- 52.065 Preliminary treatment facilities
- 52.066 Control manhole
- 52.067 Measurements, tests and analyses
- 52.068 Industrial wastes; special agreements

Wastewater User Charges

- 52.080 Basis for wastewater service charges
- 52.081 Measurement of flow
- 52.082 Local capital cost charge
- 52.083 Basic user rate
- 52.084 Surcharge rate; computation
- 52.085 Computation of wastewater service charge
- 52.086 Effective date of rates

Billing and Collection Procedures

- 52.095 Billing procedure
- 52.096 Delinquent bills
- 52.097 Lien; notice of delinquency; foreclosure
- 52.098 Disposition of revenues
- 52.099 Establishment and maintenance of accounting system; annual audit report
- 52.100 Notice of rates
- 52.101 Access to records
- 52.102 Appeal procedure

Administration and Enforcement

- 52.115 Right of entry for purpose of inspection; indemnification; easements or private property
- 52.116 Notice of violation; revocation of permit; liability
- Appendix: Applications for sewer permits

GENERAL PROVISIONS**§ 52.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The Administrator of the U.S. Environmental Protection Agency.

APPROVING AUTHORITY. The City Council.

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

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

BUILDING DRAIN. The part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five feet (1.5 meters) outside the inner face of the building wall.

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

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

COMBINED SEWER. A sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

CONTROL MANHOLE. A structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a **CONTROL MANHOLE** is to provide access for the city representative to sample and/or measure discharges.

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

DIRECTOR. The Director of the Illinois Environmental Protection Agency.

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

EFFLUENT CRITERIA. As defined in any applicable **NPDES PERMIT**.

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

FEDERAL GRANT. The U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

FLOATABLE OIL. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

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

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

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

MAJOR CONTRIBUTING INDUSTRY. An industrial user of the publicly owned treatment works that:

- (1) Has a flow of 50,000 gallons or more per average work day; or
- (2) Has a flow greater than 10% of the flow carried by the municipal system receiving the waste; or
- (3) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or
- (4) Is found by the permit issuing authority, in connection with the issuance of the NPDES permit to the publicly-owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

MILLIGRAMS PER LITER. A unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

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

NPDES PERMIT. Any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

PERSON. Any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

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

POPULATION EQUIVALENT. A term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing .17 pounds of BOD and .20 pounds of suspended solids.

ppm. Parts per million by weight.

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

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½-inch (1.27 centimeters) in any dimension.

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

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

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

SEWAGE. Used interchangeably with wastewater.

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

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

SEWER. A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

SLUG. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

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

STATE GRANT. The State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the state of Illinois.

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

STORMWATER RUNOFF. The portion of the precipitation that is drained into the sewers.

SURCHARGE. The assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in this chapter.

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

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

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

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

USER CLASS. The type of user either **RESIDENTIAL**, **INSTITUTIONAL/GOVERNMENTAL**, **COMMERCIAL**, or **INDUSTRIAL**, as defined herein.

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

(2) **INDUSTRIAL USERS.** Include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

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

(4) **RESIDENTIAL USER.** All dwelling units such as houses, mobile homes, apartments, permanent multi-family dwellings.

WASTEWATER. The spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

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

WASTEWATER SERVICE CHARGE. The charge per quarter or month levied on all users of the wastewater facilities. The service charge shall be computed as outlined in § 52.085 and shall consist of the total of the basic user charge, the local capital cost and a surcharge, if applicable.

WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment plant or wastewater treatment plant or pollution control plant.

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

WATER QUALITY STANDARDS. As defined in the Water Pollution Regulations of Illinois. (Ord. 519, passed 1-18-93)

§ 52.002 DEPOSITING OBJECTIONABLE WASTE PROHIBITED.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste.
(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.003 DISCHARGING UNTREATED SEWAGE OR OTHER POLLUTED WATER INTO NATURAL OUTLETS.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.004 PRIVIES, SEPTIC TANKS AND OTHER FACILITIES.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.005 OWNER'S RESPONSIBILITY TO INSTALL SUITABLE TOILET FACILITIES.

The owner of all the houses, building, or properties used for human occupancy, employment, recreation, or other purposes situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the city is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that said public sewer is within 75 feet (22.5 meters) of the property line.
(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.006 TAMPERING WITH OR DAMAGING SEWAGE WORKS STRUCTURES OR EQUIPMENT.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
(Ord. 519, passed 1-18-93)

§ 52.007 EXTENSION OF SEWER MAINS.

(A) *Determination of who pays expense of extension.* The City Council shall first determine if an extension of a sewer main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will be served by the extension. If the extension is economically feasible then the city may install and pay the cost of the extension at the discretion of the City Council. If the city elects not to pay the cost of extending the sewer main, then the person or persons desiring sewer service shall install the extension at their own personal expense upon written consent by the City Council. The city shall not pay for any extensions to an undeveloped area such as a subdivision being developed, unless there are sufficient existing residents or businesses to make the extension economically feasible. No sewer extensions may be made without the prior approval of the city, and if required, the IEPA.

(B) *Requirements if extension is installed by someone other than the city.*

- (1) The City must approve all plans and specifications for any extensions.

(2) Before any extensions are installed, the plans and specifications must be reviewed and approved by the State Environmental Protection Agency.

(3) Ownership, rights-of-way, and title must be conveyed to the city for all extensions installed by anyone other than the city. The city will maintain the mains thereafter.

(4) No extension will be permitted if in the opinion of the City Council, the system does not have the necessary capacity to serve the proposed extension.

(Ord. 519, passed 1-18-93)

Cross-reference:

Extension to utility systems and services; uniform policy, see § 53.03

§ 51.008 CHANGE IN OCCUPANCY.

(A) *Notice to city.* Any user requesting a termination of service shall give written notice to the city ten days before the time such termination of service is desired.

(B) *Responsibility for payment of services already consumed.* Responsibility for payment for sewer service before the date of termination shall be with the property owners as well as the user.

(C) *Charges for change.* There shall be no charge for transferring the sewer service to the subsequent user.

(Ord. 519, passed 1-18-93)

PRIVATE SEWAGE DISPOSAL

§ 52.020 CONNECTING BUILDING SEWER TO PRIVATE SEWAGE DISPOSAL SYSTEM.

Where a public sanitary (or combined) sewer is not available under the provisions of § 52.005, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.021 PERMIT REQUIRED.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Council. The application for such permit shall be made on a form furnished by the city (see Appendix to this chapter) which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the City Council. A permit and inspection fee of \$25 shall be paid to the city at the time the application is filed.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.022 INSPECTION AND APPROVAL OF INSTALLATION.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Council. The City Council shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City Council when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of written notice by the City Council.
(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.023 COMPLIANCE WITH STATE REGULATIONS AND AGENCIES.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of ILCS Ch. 225, Act 225, §§ 1 et seq., the state of Illinois Private Sewage Disposal Licensing Act and Code and with the state of Illinois Environmental Protection Agency.
(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.024 CONNECTION TO PUBLIC SEWER REQUIRED.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 52.005 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.
(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.025 MAINTENANCE OF PRIVATE SEWAGE DISPOSAL FACILITIES.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense.
(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.026 NONINTERFERENCE WITH ADDITIONAL REQUIREMENTS.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Mayor or designated health officer.
(Ord. 519, passed 1-18-93)

§ 52.027 CONNECTION OF BUILDING SEWER TO PUBLIC SEWER.

When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. 519, passed 1-18-93) Penalty, see § 10.99

BUILDING SEWERS AND CONNECTIONS**§ 52.040 CONNECTION PERMIT REQUIRED.**

No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Council.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.041 COMPLIANCE WITH FEDERAL, STATE AND LOCAL STANDARDS.

All disposal by any person into the sewer system is unlawful except those discharges in compliance with federal standards promulgated pursuant to the Federal Act and more stringent state and local standards.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.042 BUILDING SEWER PERMITS.

(A) There shall be two classes of building sewer permits:

- (1) Those for residential wastewater service; and
- (2) Those for commercial, institutional/governmental or industrial wastewater service.

(B) In either case, the owner or his agent shall make application on a special form furnished by the city, (see Appendix to this chapter). The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Council. A permit and inspection fee of \$5 for a residential or commercial building sewer permit shall be paid to the city at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

(C) 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.

(Ord. 519, passed 1-18-93)

§ 52.043 COSTS AND EXPENSES OF INSTALLATION AND CONNECTION OF BUILDING SEWER; INDEMNIFICATION.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 519, passed 1-18-93)

§ 52.044 SEPARATE BUILDING SEWER PROVIDED FOR EVERY BUILDING.

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.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.045 USE OF OLD BUILDING SEWERS WITH NEW BUILDINGS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Council, to meet all requirements of this chapter.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.046 SIZE AND SLOPE; ALIGNMENT AND LAYING OF BUILDING SEWER.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.047 BUILDING DRAINS; GRAVITY FLOW TO PUBLIC SEWERS; APPROVED LIFTERS.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with § 52.041, and discharged to the building sewer.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.048 CONNECTION OF SOURCES OF SURFACE RUNOFF OR GROUNDWATER.

No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.049 PROCEDURES AND MATERIALS TO CONFORM TO APPROPRIATE SPECIFICATIONS.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City Council before installation.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.050 INSPECTION OF CONNECTIONS TO PUBLIC SEWER.

The applicant for the building sewer permit shall notify the City Council when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City Council or its representative.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.051 EXCAVATIONS; SAFETY PRECAUTIONS.

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 city.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

USE OF PUBLIC SEWERS**§ 52.060 DISCHARGE OF STORMWATER AND OTHER UNPOLLUTED DRAINAGE.**

(A) No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City Council. Industrial cooling water or unpolluted process waters may be discharged on approval of the City Council, to a storm sewer, combined sewer, or natural outlet.
(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.061 PROHIBITED DISCHARGES TO PUBLIC SEWERS.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C) 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.

(D) Solid or viscous substances in quantities or of such size 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, milk containers, and the like, either whole or ground by garbage grinders.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.062 DISCHARGE OF CERTAIN WASTES RESTRICTED.

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 City Council 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, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the City Council will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than 150° F. (65° C.).

(B) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or

not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of $\frac{3}{4}$ horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City Council.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

(E) 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 City Council for such materials.

(F) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the City Council, as necessary after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Council in compliance with applicable state or federal regulations.

(H) Any wastes or waters having a pH in excess of 9.5.

(I) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the City Council in compliance with applicable state and federal regulations.

(J) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the City Council in compliance with applicable state and federal regulations.

(K) 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 volume of flow or concentrations of wastes constituting slugs as defined herein.

(L) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.063 PRETREATMENT, EQUALIZATION OF WASTE FLOWS.

(A) 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 § 52.062 of this subchapter, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the City Council 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 City Council may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of § 52.068 of this subchapter.

(B) If the City Council permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Board, and subject to the requirements of all applicable codes, ordinances, and laws.

(Ord. 519, passed 1-18-93)

§ 52.064 GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Council, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Council, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.065 PRELIMINARY TREATMENT FACILITIES.

Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.066 CONTROL MANHOLE.

Each industry shall be required to install a control manhole and, when required by the City Council, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City Council. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.067 MEASUREMENTS, TESTS AND ANALYSES.

(A) 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 any special conditions for discharge established by the city or regulatory agencies having jurisdiction over the discharge.

(B) The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the city, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the federal, state, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at such times and in such a manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses, and reporting required by the city. At such times as deemed necessary the city reserves the right to take measurements and samples for analysis by an outside laboratory service.

(C) 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 IEPA Division of Laboratories Manual of Laboratory Methods, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved

will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

(Ord. 519, passed 1-18-93) Penalty, see § 10.99

§ 52.068 INDUSTRIAL WASTES; SPECIAL AGREEMENTS.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, in accordance with §§ 51.080 through 51.085, by the industrial concern provided such payments are in accordance with federal and state guidelines for User Charge System.

(Ord. 519, passed 1-18-93)

WASTEWATER USER CHARGES

§ 52.080 BASIS FOR WASTEWATER SERVICE CHARGES.

(A) The wastewater service charge for the use of and for service supplied by the wastewater facilities of the city shall consist of a basic user charge for operation and maintenance plus replacement, applicable surcharges and local capital cost charge composed of a debt service charge and a capital improvement charge.

(B) The debt service charge is computed as follows:

(1) By dividing the annual debt service or all outstanding loans and bonds by the number of users. Through further divisions, the monthly and/or quarterly debt service charges can be computed; or

(2) By apportioning the annual debt service on a cost per 1,000 gallon basis; or

(3) As a fixed charge plus a charge per 1,000 gallons.

(C) The capital improvement charge is levied on all users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement is computed by apportioning the annual amount to be accrued as a cost per 1,000 gallon or as a fixed charge per month.

(D) (1) The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal domestic concentrations:

- (a) A five day, 20° C. biochemical oxygen demand (BOD) of 200 mg/l.
- (b) A suspended solids (SS) content of 250 mg/l.

(2) The basic user charge shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

- (a) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
- (b) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.
- (c) Proportion the estimated OM&R costs to each user class by volume, suspended solids and BOD.
- (d) Proportion the estimated operation, maintenance and replacement (OM&R) costs to wastewater facility categories by volume, suspended solids and BOD.
- (e) Compute costs per 1,000 gallons for normal sewage strength.
- (f) Compute surcharge costs per pound per 1,000 gallons in excess of normal sewage strength for BOD and SS.

(E) A surcharge will be levied to all users whose waters exceed the normal domestic concentrations of BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 250 mg/l concentration for BOD and SS respectively. Section 52.084(B) specifies the procedure to compute a surcharge.

(F) The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by certified public accountants for the city in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or a change in operation and maintenance costs including replacement costs.

(G) The users of 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 treatment operation, maintenance and replacement.

(Ord. 519, passed 1-18-93)

§ 52.081 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 ____ gallons.

(A) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks System, all or a 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 City Council for the purpose of determining the volume of water obtained from these other sources.

(B) Devices for measuring the volume of waste discharged may be required by the City Council if these volumes cannot otherwise be determined from the metered water consumption records.

(C) 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 City Council.

(Ord. 519, passed 1-18-93)

§ 52.082 LOCAL CAPITAL COST CHARGE.

(A) A debt service charge of \$____ per ____ or a debt service charge of ____ per 1,000 gallons, to each user of the wastewater facility of the city is hereby established.

(B) A capital improvement charge will be levied on all users as a charge of \$____ per 1000 gallons, or a fixed charge of ____ per month, to provide funds for extension, improvement or reconstruction of the sewage treatment works.

(Ord. 519, passed 1-18-93)

§ 52.083 BASIC USER RATE.

There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the wastewater facilities of the city as provided in § 53.31.

Cross-reference:

New rates for sewerage service, see § 53.31

§ 52.084 SURCHARGE RATE; COMPUTATION.

(A) *Surcharge rate.* The rates of surcharges for BOD₅ and SS shall be as follows:

(1) Per pound of BOD: \$.20

(2) Per pound of SS: \$.15

(B) *Computation of surcharge.* 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 City Council and shall be binding as a basis for surcharges.
(Ord. 519, passed 1-18-93)

§ 52.085 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 waste service charge (\$) per billing period.

CD = Debt Service Charge.

CC = Capital Improvement 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 Rate for Operation, Maintenance and Replacement.

CS = Amount of Surcharge (§ 52.084).

(Ord. 519, passed 1-18-93)

§ 52.086 EFFECTIVE DATE OF RATES.

The rates and service charges established for user charges in §§ 52.082 through 52.085 shall be effective as of the next fiscal year beginning _____ and on bills to be rendered for the next succeeding month being _____ for monthly users and on bills to be rendered for the next succeeding quarter being _____ for quarterly users.

(Ord. 519, passed 1-18-93)

BILLING AND COLLECTION PROCEDURES**§ 52.095 BILLING PROCEDURE.**

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

(B) Bills for sewer service shall be sent out by the City Treasurer on the first day of the month or quarter succeeding the period for which the service is billed.

(C) All sewer bills are due and payable 20 days after being sent out. A penalty of ____ percent shall added to all bills not paid by the fifteenth day after they have been rendered.
(Ord. 519, passed 1-18-93)

§ 52.096 DELINQUENT BILLS.

If the charges for such services are not paid within 20 days or 20 days after the rendition of the bill for such services, as mentioned in § 52.097(C) above, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.
(Ord. 519, passed 1-18-93)

§ 52.097 LIEN; NOTICE OF DELINQUENCY; FORECLOSURE.

(A) *Lien; notice of delinquency.*

(1) Whenever a bill for sewer service remains unpaid for ____ days for monthly service or ____ days for quarterly service after it has been rendered, the City Treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the city claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

(2) If the user whose bill is unpaid is not the owner of the premises and the City Treasurer has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Treasurer, whenever such bill remains unpaid for the period 45 days for a monthly bill or 105 days for a quarterly bill after it has been rendered.

(3) The failure of the City Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

(B) *Foreclosure of lien.* Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the city. The City Attorney is hereby authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 45 days in the case of a monthly bill or 105 days in the case of a quarterly bill after it has been rendered.

(Ord. 519, passed 1-18-93)

§ 52.098 DISPOSITION OF REVENUES.

(A) All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the City Treasurer separate and apart from his private funds and separate and apart from all other funds of the city and all of the sum, without any deductions whatever, shall be delivered to the City Treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the Mayor and City Council.

(B) The City Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewerage Fund of the City." The Treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January, 1942.

(Ord. 519, passed 1-18-93)

§ 52.099 ESTABLISHMENT AND MAINTENANCE OF ACCOUNTING SYSTEM; ANNUAL AUDIT REPORT.

(A) The City Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

(B) In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

(1) Flow data showing total gallons received at the wastewater plant for the current fiscal year.

(2) Billing data to show total number of gallons billed per fiscal year.

(3) Debt service for the next succeeding fiscal year.

(4) Number of users connected to the system.

(5) Number of non-metered users.

(6) A list of users discharging non-domestic and industrial wastes and volume of waste discharged.

(Ord. 519, passed 1-18-93)

§ 52.100 NOTICE OF RATES.

Each user will be notified by the _____ in conjunction with a regular bill, of the rate and that portion of the user charges or ad valorem taxes which are attributable to wastewater treatment services, including the financial information of § 52.099. (Ord. 519, passed 1-18-93)

§ 52.101 ACCESS TO RECORDS.

The IEPA/USEPA or its authorized representative shall have access to any books, documents, papers and records of the city which are applicable to the city's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the (special and general conditions to any state grant) (federal regulations and conditions of the federal grant). (Ord. 519, passed 1-18-93)

§ 52.102 APPEAL PROCEDURE.

The method for computation of rates and service charges established for user charges in §§ 52.082 through 52.085 shall be made available to a user within ___ days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by _____ within _____ days after notification of a formal written appeal outlining the discrepancies. (Ord. 519, passed 1-18-93)

ADMINISTRATION AND ENFORCEMENT

§ 52.115 RIGHT OF ENTRY FOR PURPOSE OF INSPECTION; INDEMNIFICATION; EASEMENTS OR PRIVATE PROPERTY.

(A) The City Council and other duly authorized employees of the city, 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 City Council or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) of this section, the City Council or duly authorized employees of the city, 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 and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operating, except as such may be caused by negligence or failure of the company to maintain conditions as required in § 52.067(A) and (B).

(C) The City Council and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city 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 the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 519, passed 1-18-93)

§ 52.116 NOTICE OF VIOLATION; REVOCATION OF PERMIT; LIABILITY.

(A) Any person found to be violating any provision of this chapter, except § 52.006, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The city may revoke any permit for sewage disposal as a result of any violation of any provision of this chapter.

(B) Any person violating any of the provisions of this chapter shall become liable to the city by reasons of such violation.

(Ord. 519, passed 1-18-93)

APPENDIX: APPLICATIONS FOR SEWER PERMITS

Section

1. Residential building sewer application
2. Private sewage disposal application
3. Commercial, institutional/governmental, and industrial sewer connection application

§ 1. RESIDENTIAL BUILDING SEWER APPLICATION.

To the City of Grayville:

A. THE UNDERSIGNED, being the _____ property located
(Owner, Owner's Agent)
at _____ DOES HEREBY REQUEST a
Number Street
permit to install and connect a building to serve the _____ at the location.
(Residence)

1. The following indicated fixtures will be connected to the proposed building sewer:

Number	Fixtures	Number	Fixtures
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bath Tubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify other fixtures _____.

2. The maximum number of persons who will use the above fixtures is _____.
3. The name and address of the person or firm who will perform the proposed work is _____.
4. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit "A".

Grayville - Public Works

B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To accept and abide by all provisions of the City Code of the City of Grayville, and of all other pertinent ordinances or regulations that may be adopted in the future.
2. To maintain the building sewer at no expense to the city.
3. To notify the Grayville City Council when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: _____ SIGNED: _____
(Applicant)

(Address of Applicant)

(Certification by _____ Treasurer)

\$ _____ connection fee paid.

\$ _____ inspection fee paid.

Application approved and permit issued:

DATE: _____ SIGNED: _____
(Approving Authority)

§ 2. PRIVATE SEWAGE DISPOSAL APPLICATION.

To the City of Grayville:

A. THE UNDERSIGNED, being the _____ of the property
(Owner, Owners Agent)
located at _____.
Number Street

DOES HEREBY REQUEST a permit to install sanitary sewage disposal facilities to serve the _____
_____ at the location.
(Residence, Commercial Building, etc.)

1. The proposed facilities include: _____
_____ to be constructed in
complete accordance with the plans and specifications attached hereunto as Exhibit "A".
2. The area of the property is _____ square feet (or _____ square meters).
3. The name and address of the person to be served by the proposed facilities is: _____
_____.
4. The maximum number of persons to be served by the proposed facilities is: _____
_____.
5. The locations and nature of all sources of private or public water supply within the 100 feet (30.5 meters) of any boundary of said property are shown on the plat attached hereunto as Exhibit "B".

B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the proposed work that shall be requested by the Grayville City Council.
2. To accept and abide by all provisions of the City Code, of the City of Grayville and of all other pertinent ordinances or regulations that may be adopted in the future.
3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the city and at no expense to the city.
4. To notify the _____ at least 24 hours prior to commencement of the work
(Approving Authority)
proposed, and again at least 24 hours prior to the covering of any underground portions of the installation.

Grayville - Public Works

DATE: _____ SIGNED: _____
(Applicant)

(Address of Applicant)

\$ _____ inspection fee paid.
(Certification by City Treasurer)

Application approved and permit issued:

DATE: _____ SIGNED: _____
(Approving Authority)

§ 3. COMMERCIAL, INSTITUTIONAL/GOVERNMENTAL, AND INDUSTRIAL SEWER CONNECTION APPLICATION.

To the City of Grayville:

A. THE UNDERSIGNED being the _____ of the property located
(Owner, Lessee, Tenant, etc.)
at DOES HEREBY REQUEST a permit to _____ an industrial sewer connection
(Install, Use)
serving the _____ which company is engaged in _____
(Name of Company)
at said location.

1. A plat of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A".
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit "B".
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at the property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto as Exhibit "C".
4. The name and address of the person or firm who will perform the work covered by this permit is _____.

B. In consideration of the granting of this permit THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be adopted in the future.
2. To operate and maintain a control manhole and any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the city.
3. To cooperate at all times with the Grayville City Council, and their representative in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
4. To notify the Grayville City Council immediately in event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

Grayville - Public Works

DATE: _____ SIGNED: _____
(Address of Applicant)

(Address of Applicant)

(Certification by City Treasurer)

\$ _____ connection fee paid.

\$ _____ inspection fee paid.

Application approved and permit granted:

DATE: _____ SIGNED: _____
(Approving Authority)

CHAPTER 53: WATER AND SEWERS

Section

General Provisions

- 53.01 Connection to public water supply; sewer service required
- 53.02 Dedication of street rights-of-way for utility purposes
- 53.03 Extension of utility systems and services; uniform policy
- 53.04 Cross-connection control

Water Meters

- 53.15 Meter requirements
- 53.16 Service and maintenance responsibility
- 53.17 Installation; fees and charges

Rates and Charges

- 53.30 Net rates for water service
- 53.31 Net rates for sewerage service
- 53.32 Seasonal reduction in sewer services rates
- 53.33 Charges for water and gas meters

GENERAL PROVISIONS

§ 53.01 CONNECTION TO PUBLIC WATER SUPPLY; SEWER SERVICE REQUIRED.

It shall be the duty of the owner, occupant or party or parties in possession of any house, dwelling, structure, building, factory, industrial or commercial establishment located on property in the city to cause such building to be connected with the water service and sewer service systems within 90 days from the date that water or sewerage facilities become available to such property. Water service shall be deemed to be available if a main is located in a street adjoining the property. Sewer service shall be deemed to be available if a sewer is located in an adjoining street at a level which will permit gravity flow to the sewer from the natural surface of land.

(Ord. 362, passed 5-16-77) Penalty, see § 10.99

§ 53.02 DEDICATION OF STREET RIGHTS-OF-WAY FOR UTILITY PURPOSES.

All city streets and road rights-of-way are hereby dedicated for utility purposes, and may be used as reasonably necessary in the installation, repair and removal of all city utility lines, mains, lift stations, and related equipment and services within and outside the corporate limits of the city.

(Ord. 544, passed 7-6-93)

Cross-reference:

Streets and sidewalks, see Chapter 94

§ 53.03 EXTENSION OF UTILITY SYSTEMS AND SERVICES; UNIFORM POLICY.

It shall be the policy of the city to extend and expand the water and sewer systems, including mains, laterals, pumping and lift stations and related materials and equipment to provide water and sewer service, when required or as requested and as funds are available for performance of the work. The undertaking of such expansion and extension shall be in accordance with the following policies of the city.

(A) The order in which expansion or extension of water and sewer systems and services are initiated shall be determined by the Mayor and City Council, giving consideration to the number of users to be benefited, the public health and safety needs of the area to be served, and the orderly development of the city and areas adjoining the city outside of the corporate limits. Except as the Mayor and City Council may otherwise determine as provided herein, projects for the extension or expansion of water and sewer systems shall be undertaken in the order in which they are requested by prospective users or recommended by the Mayor and City Council by resolution.

(B) The expansion or extension of the water and sewer systems shall not be undertaken until such time as sufficient funds are available or can be made available for completion of the anticipated work.

(C) Prior to the initiation or commencement of any expansion or extension of utility systems and services, the City Council shall make a determination of the public and private benefit portions of the proposed work. All costs of the private benefit portions of the expansion or extension project shall be borne by the prospective users benefiting therefrom.

(D) The private benefit portions of any expansion or extension of water and sewer systems may be recovered by revenue bonds, special assessment, connection fees, prior written agreement between prospective users and the city or by such other appropriate arrangements as the law and the statutes of the state may provide.

(E) The city may enter into prior written agreements with prospective users for the installation of utility systems which provide for financing of the work by prospective users in whole or in part, the recovery and refunding of installation costs, the incorporation of appropriate specifications for performance of the work and the requirements for such payment and performance bonds as the City Council may deem appropriate. (Ord. 377, passed 2-19-79)

Cross-reference:

Extension of sewer mains, see § 52.007

§ 53.04 CROSS-CONNECTION CONTROL.

(A) All plumbing installed within the city 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 City Superintendent of Water, an approved backflow prevention device is necessary for the safety of the city public water supply system, the Superintendent of the city water system will give notice to the city 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, 77 Ill. Adm. Code 890, Illinois Environmental Protection Agency and all applicable local regulations of the city water system, and have inspections and tests made of such approved devices by the city water system upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and city water system regulations.

(B) 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 city may enter the supply or distribution system of the city, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the City Superintendent of Water and the Illinois Environmental Protection Agency.

(C) It shall be the duty of the City Superintendent of Water to cause surveys and investigations to be made of commercial, industrial and other properties served by the city public water supply to determine whether actual or potential hazards to the city 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 City Superintendent of Water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

(D) The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the city public water supply or distribution system of the city for the purpose of verifying the presence or absence of cross-connections, and that the City Water Superintendent or his or her authorized agent shall, after proper notification, have the right to enter at any reasonable time any property served by a connection to the city public water supply or distribution system of the city 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 by the city shall furnish to the City Water Superintendent any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Water Superintendent of the city, be deemed evidence of the presence of improper connections as provided in this section.

(E) The City Water Superintendent is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the city water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the city water supply distribution mains. City water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this section, and until a new reconnect

fee of \$500 is paid to the city. Immediate disconnection with verbal notice can be effected when the City Water Superintendent is assured that imminent danger of harmful contamination of the city 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 city water supply, provided that, in the reasonable opinion of the City Water Superintendent or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the city public water supply. Neither the city, the City Water Superintendent, or its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this section, whether or not said termination was with or without notice.

(F) The consumer responsible for back-siphoned or back pressured material or contamination through backflow, if contamination of the city 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 city potable water supply system.
(Ord. 655, passed 7-28-03)

WATER METERS

§ 53.15 METER REQUIREMENTS.

A meter shall be required and installed for each new or additional location where service is requested. Where the location includes multiple dwellings or more than one business or activity, a meter is required and shall be installed for each separate user. For the purposes of this subchapter, persons living together as a single family or unit shall be considered as a separate user and each business entity and each activity shall be considered as a separate user. Where multiple adjoining lots are held in common ownership and the lots have been served by a single meter setting, if the ownership of the lots is divided by sale, transfer or otherwise, then the city shall not be required to move the meter for the prior user. A meter shall be required for each new or additional service location as provided herein, including any such location established by prior service users.
(Ord. 362, passed 5-16-77)

§ 53.16 SERVICE AND MAINTENANCE RESPONSIBILITY.

The city has a water distribution system and shall furnish, install, operate and maintain a water meter for service. The city shall furnish and install the meter and connect it to the water system, and it shall be the user's responsibility to furnish, install, operate and maintain the necessary materials and equipment to obtain water from the city's water meter and distribute it to the service location. The city will provide, upon request, the necessary information in order to make connection to the city's water meter.
(Ord. 362, passed 5-16-77)

§ 53.17 INSTALLATION; FEES AND CHARGES.

Upon application to the city for water service and upon approval of the application by the city and after the payment of established connection fees, a water meter will be installed by the city. Each application shall contain such information as may be specified by the Water Superintendent to provide proper guidance in the issuing of the permit, installation of the meter and responsibility for charges.

(A) *Location.* The placement of each water meter shall be determined by the Water Superintendent. In general, meters will be located on or as close to the user's property as possible. However, where there is no water main in a street adjoining the user's location, the meter will be placed in a location selected in the discretion of the Water Superintendent as most convenient for the city and the user. It shall be the user's responsibility to obtain any rights or easements which may be necessary for the installation of a water line from the meter to the user's location.

(B) *Installation fees.*

(1) The minimum fee for installation of a water meter within the city's corporate limits shall be \$225 and the minimum fee for installation of a water meter outside of the city's corporate limits shall be \$450. The work and services included in the minimum fee are the use of necessary equipment such as tractors, backhoes, trenchers or other installation equipment, the water meter, meter tile, meter lid cover, yoke, valve, corporation cock, elbow connections, gooseneck and other parts or equipment needed to make a meter setting, up to 30 feet of type K copper tubing or other pipe from the meter to the water main and the labor and services to install the meter and its parts ready for use. The minimum fees include the installation of a standard 5/8-inch water meter.

(Ord. 362, passed 5-16-77)

(2) Residents or owners of property outside the corporate limits of the city may make application to the city to tap on or connect with the city's owned and operated water system. Such application shall be accompanied by a tapping fee of a sum equal to \$50 for 50 feet or less of frontage of applicant's property on the line, plus an additional \$1 for each foot of frontage in excess of 50 feet. (Ord. 263, passed 5-6-68)

(C) *Additional charges.* Where service is requested requiring a water meter larger than the standard 5/8-inch meter, the user shall pay the city's actual and necessary increased costs for the larger meter, substituted materials, or additional materials required. Where the meter installation requires more than 30 feet of copper tubing, cast iron or plastic pipe from the main to the meter location selected by the Water Superintendent the user shall pay the city's actual and necessary labor, material and overhead costs for the additional distance required. The materials and supplies necessary to provide greater than standard service shall be selected within the discretion of the Water Superintendent. An estimate of additional charges required because of the user's application will be furnished by the Water Superintendent upon request.

(D) *Minimum connection fees and estimated costs.* Minimum connection fees and the estimated cost of additional services shall be paid by the user to the city prior to installation of the meter and connection of water service. All applications for meter installation and connection must be made by the user

requesting service and by the owner or legal representative of the owner of the real estate on which the service will be used. The user and the owner shall each be individually and jointly responsible for the connection fees. (Ord. 362, passed 5-16-77)

RATES AND CHARGES**§ 53.30 NET RATES FOR WATER SERVICE.**

(A)

	<i>In City Rate/ 1,000 gal.</i>	<i>Out of City Rate/1,000 gal.</i>
Minimum	\$8.00	\$12.00
Next 9,000 gallons	\$4.00	\$6.00
Next 10,000 gallons	\$3.50	\$5.25
Next 10,000 gallons	\$3.25	\$4.88
Over 30,000 gallons	\$3.00	\$4.50

(B) Bulk water (per 1,000 gallons): \$1.00.

(C) Beginning on May 1, 2017, and on the first day of May of each year thereafter, unless otherwise agreed by a majority vote of the City Council, the city's water rates shall increase by 2% over the previous year's rates.

(Ord. 515, passed 7-20-92; Am. Ord. 819, passed 4-25-16)

§ 53.31 NET RATES FOR SEWERAGE SERVICE.

(A)

<i>In City Rate/ 1,000 gal.</i>	<i>Out of City Rate/1,000 gal.</i>
\$5.00	\$7.50

(B) Beginning on May 1, 2017, and on the first day of May of each year thereafter, unless otherwise agreed by a majority vote of the City Council, the city's sewer rates shall increase by 2% over the previous year's rates.

(Ord. 515, passed 7-20-92; Am. Ord. 819, passed 4-25-16)

Cross-reference:

Sewer use; wastewater user charges, see §§ 52.080 through 52.086

§ 53.32 SEASONAL REDUCTION IN SEWER SERVICES RATES.

(A) This section is intended to establish a seasonal reduction in the sewer service rates for residential users only of the sewerage system of the city and shall be in addition to any connection fees or assessments provided in this Code of Ordinances, as amended.

(B) All residential users who are connected to the city's sewerage system shall be billed for sewer service at a rate equal to 50% of the permanent rates now or hereafter in effect for the months of May, June, July, August, and September of each year, commencing in 2008; but in no event shall a reduction for any residential user exceed \$25 per month.

(C) Except as provided in this section, all other rates, rules, regulations and ordinances pertaining to the use of the city sewerage system shall remain in full force and effect during the period of seasonal rate reduction for residential users.

(Ord. 699, passed 1-14-08)

§ 53.33 CHARGES FOR WATER AND GAS METERS.

	<i>Meter Charges</i>
Water—Residential meter (monthly)	\$20.00
Commercial meter (monthly) (defined as 1" meter or above)	\$50.00
Gas meter (monthly)	\$5.00

(Ord. 819, passed 4-25-16)

CHAPTER 54: WATER WELLS

Section

- 54.01 Definitions
- 54.02 Use of groundwater as potable water supply prohibited
- 54.99 Penalty

§ 54.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. Any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

POTABLE WATER. Any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.
(Ord. 632, passed 5-15-02)

§ 54.02 USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED.

The use or attempt to use as a potable water supply groundwater from within the corporate limits of the city by the installation of drilling of wells of by any other method is hereby prohibited.
(Ord. 632, passed 5-15-02) Penalty, see § 54.99

§ 54.99 PENALTY.

Any person violating the provisions of this chapter shall be subject to fine of up to \$500 for each violation.
(Ord. 632, passed 5-15-02)

CHAPTER 55: UTILITY SYSTEM HOOK-UP FEES

Section

- 55.01 Utility deposits
- 55.02 Late fees
- 55.03 Disconnection for non-payment
- 55.04 Reconnect and installation charges
- 55.05 Utility service connection charges
- 55.06 Service charge for returned checks
- 55.07 Theft of services

§ 55.01 UTILITY DEPOSITS.

Deposits for utility hook-ups are required on all rental property, provided that the account is not in the name of the owner of the property. Deposit fees are \$75 for water/sewer service, and \$100 for gas service. Utility deposits are payable in advance of utility hook-up. After one year of continuous utility service, the utility customer may have their utility deposits credited to their utility account, provided that:

(A) All utility bills in 12 consecutive months have been paid on time.

(B) No penalties have been assessed due to late payment.

(C) The customer has not been disconnected for non-payment.

(D) The customer has not tampered with or benefitted from tampering with utility equipment.

(Ord. 717, passed 9-22-08; Am. Ord. 819, passed 4-25-16)

§ 55.02 LATE FEES.

Utility bills are received by customers on or about the tenth day of each month, with payment for services due in full on or before the twentieth of each month. Penalties for late payment are 5% of the total outstanding balance.

(Ord. 717, passed 9-22-08)

§ 55.03 DISCONNECTION FOR NON-PAYMENT.

All utility accounts delinquent after the current billing cycle's due date will be disconnected for non-payment after proper notice has been given to the customer. Gas service for residents will not be disconnected if the temperature is expected to be below 32° Fahrenheit, and is expected to remain below that temperature for more than 24 hours. Gas service for customers participating in the LIHEAP program will not be disconnected during the agreement period between the city and Wabash Area Development, Inc.

(Ord. 717, passed 9-22-08)

§ 55.04 RECONNECT CHARGES AND INSTALLATION CHARGES.

The fee for reconnection of services after disconnection for non-payment has been completed, is \$50. Reconnection of service will only be done on regular business days (Monday through Friday) between the hours of 7:30 a.m. and 3:30 p.m. Reconnection of service done after hours, on weekends or holidays, will be subject to a charge of \$100. To install a meter, or reinstall a meter after removal, the charge will be the cost of the meter to the city plus the applicable labor charge for the time required to install or reinstall, with a minimum charge of \$350 for residential water meters, \$600 for one-inch water meters, and \$300 for gas meters.

(Ord. 717, passed 9-22-08; Am. Ord. 819, passed 4-25-16)

§ 55.05 UTILITY SERVICE CONNECTION CHARGES.

The fee for connection of any city utility service will be \$15 during regular business days (Monday through Friday) between the hours of 7:30 a.m. and 3:30 p.m. Utility service connections done after hours, on weekends or holidays, will be subject to a charge of \$100.

(Ord. 717, passed 9-22-08; Am. Ord. 819, passed 4-25-16)

§ 55.06 SERVICE CHARGE FOR RETURNED CHECKS.

The service charge for checks returned to the city is \$25.

(Ord. 717, passed 9-22-08)

§ 55.07 THEFT OF SERVICES.

Utility customers who, without the consent of the city, turn on any utility service after being shut off for failure to pay, commit the offense of theft of services. The first offense shall cause the customer to be given a "Notice of Theft of Services", requiring payment of \$100, plus reconnect fees and current utility account charges. A second offense will result in arrest and criminal charges being filed. A copy of the "Notice of Theft of Services" is attached hereto and is incorporated by reference herein.

(Ord. 717, passed 9-22-08)

CHAPTER 56: CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

Section

- 56.01 Purpose and scope
- 56.02 Definitions
- 56.03 Annual registration required
- 56.04 Permit required; applications and fees
- 56.05 Action on permit applications
- 56.06 Effect of permit
- 56.07 Revised permit drawings
- 56.08 Insurance
- 56.09 Indemnification
- 56.10 Security
- 56.11 Permit suspension and revocation
- 56.12 Change of ownership or owner's identity or legal status
- 56.13 General construction standards
- 56.14 Traffic control
- 56.15 Location of facilities
- 56.16 Construction methods and materials
- 56.17 Vegetation control
- 56.18 Removal, relocation or modifications of utility facilities
- 56.19 Clean-up and restoration
- 56.20 Maintenance and emergency maintenance
- 56.21 Variances
- 56.22 Enforcement

- 56.99 Penalty

§ 56.01 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 city's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the city rights-of-way and the city as a whole.

(B) *Intent.* In enacting this chapter, the city intends to exercise its authority over the rights-of-way in the city 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 city'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 city'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 city. 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 city, 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 city rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the city enter into such an agreement. In such an agreement, the city 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 city, 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 city 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 or parts of chapters 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 city shall use sound engineering judgment when administering this chapter and may vary the standards, conditions, and requirements expressed in this chapter when the city so determines. Nothing herein shall be construed to limit the ability of the city to regulate its rights-of-way for the protection of the public health, safety and welfare.

(Ord. 853, passed 2-26-18)

§ 56.02 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 in 92 Ill. Adm. Code § 530.30, unless the context clearly requires otherwise.

AASHTO. American Association of State Highway and Transportation Officials.

ANSI. American National Standards Institute.

APPLICANT. A person applying for a permit under this chapter.

ASTM. American Society for Testing and Materials.

BACKFILL. The methods or materials for replacing excavated material in a trench or pit.

BORE or BORING. To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

CABLE OPERATOR. That term as defined in 47 U.S.C. 522(5).

CABLE SERVICE. That term as defined in 47 U.S.C. 522(6).

CABLE SYSTEM. That term as defined in 47 U.S.C. 522(7).

CARRIER PIPE. The pipe enclosing the liquid, gas or slurry to be transported.

CASING. A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

CITY. The City of Grayville.

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.

COATING. Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

CODE. The Code of Ordinances of the City of Grayville.

CONDUCTOR. Wire carrying electrical current.

CONDUIT. A casing or encasement for wires or cables.

CONSTRUCTION or CONSTRUCT. The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

COVER. The depth of earth or backfill over buried utility pipe or conductor.

CROSSING FACILITY. A facility that crosses one or more right-of-way lines of a right-of-way.

DIRECTOR OF PUBLIC WORKS. The City Director of Public Works or his or her designee. Absent appointment of such Director by the City Council, the Director of Public Works shall be the Mayor.

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.

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.

ENCASEMENT. Provision of a protective casing.

ENGINEER. The City Engineer or his or her designee.

EQUIPMENT. Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

EXCAVATION. The making of a hole or cavity by removing material, or laying bare by digging.

EXTRA HEAVY PIPE. Pipe meeting ASTM standards for this pipe designation.

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 city.

FREESTANDING FACILITY. A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

FRONTAGE ROAD. Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

HAZARDOUS MATERIALS. Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the City Engineer or Director of Public Works 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.

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.

HIGHWAY CODE. The Illinois Highway Code, ILCS Ch. 605, Act 5, §§ 1-101 et seq., as amended from time to time.

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, ILCS Ch. 220, Act 5, § 21-401.

ICC. Illinois Commerce Commission.

IDOT. Illinois Department of Transportation.

JACKING. Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

JETTING. Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

JOINT USE. The use of pole lines, trenches or other facilities by two or more utilities.

J.U.L.I.E. The Joint Utility Locating Information for Excavators utility notification program.

MAJOR INTERSECTION. The intersection of two or more major arterial highways.

OCCUPANCY. The presence of facilities on, over or under right-of-way.

PARALLEL FACILITY. A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

PARKWAY. Any portion of the right-of-way not improved by street or sidewalk.

PAVEMENT CUT. The removal of an area of pavement for access to facility or for the construction of a facility.

PERMITTEE. That entity to which a permit has been issued pursuant to §§ 56.04 and 56.05.

PRACTICABLE. That which is performable, feasible or possible, rather than that which is simply convenient.

PRESSURE. The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

PETROLEUM PRODUCTS PIPELINES. Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

PROMPT. That which is done within a period of time specified by the city. If no time period is specified, the period shall be 30 days.

PUBLIC ENTITY. A legal entity that constitutes or is part of the government, whether at local, state or federal level.

RESTORATION. The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

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 city has the right and authority to authorize, regulate or permit the location of facilities other than those of the city. **RIGHT-OF-WAY** or **RIGHTS-OF-WAY** shall not include any real or personal city property that is not specifically described in the previous two sentences and shall not include city buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

ROADWAY. That part of the highway that includes the pavement and shoulders.

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.

SECURITY FUND. That amount of security required pursuant to § 56.10.

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.

SOUND ENGINEERING JUDGMENT. A decision(s) consistent with generally accepted engineering principles, practices and experience.

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 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the city 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.

TELECOMMUNICATIONS PROVIDER. Means 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.

TELECOMMUNICATIONS RETAILER. Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

TRENCH. A relatively narrow open excavation for the installation of an underground facility.

UTILITY. The individual or entity owning or operating any facility as defined in this chapter.

VENT. A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

VIDEO SERVICE. That term as defined in § 21-201(v) of the Illinois Cable and Video Competition Law of 2007, ILCS Ch. 220, Act 5, § 21-201(v).

WATER LINES. Pipelines carrying raw or potable water.

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. 853, passed 2-26-18)

§ 56.03 ANNUAL REGISTRATION REQUIRED.

Every utility that occupies right-of-way within the city shall register on January 1 of each year with the Grayville City Clerk, as agent for the Director of Public Works, 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 24-hour telephone number for each such person, and evidence of insurance as required in § 56.08, in the form of a certificate of insurance.

(Ord. 853, passed 2-26-18)

§ 56.04 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 city right-of-way which (1) changes the location of the facility; (2) adds a new facility; (3) disrupts the right-of-way (as defined in this chapter); or (4) 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 City Engineer or Director of Public Works and obtaining a permit from the city 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 city and shall be filed in such number of duplicate copies as the city 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 city:

(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 city 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 city 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 § 56.08;

(8) Evidence of posting of the security fund as required in § 56.10;

(9) Any request for a variance from one or more provisions of this chapter (see § 56.21); and

(10) Such additional information as may be reasonably required by the city.

(D) *Supplemental application requirements for specific types of utilities.* In addition to the requirements of division (C) of this section, 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 and the Metropolitan Water Reclamation District [other local or state entities with jurisdiction], 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 city within 30 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 \$100. 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. 853, passed 2-26-18)

§ 56.05 ACTION ON PERMIT APPLICATIONS.

(A) *City review of permit applications.* Completed permit applications, containing all required documentation, shall be examined by the City Engineer or Director of Public Works within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the City Director of Public Works shall reject such application in writing, stating the reasons therefor. If the City Engineer and Director of Public Works are satisfied that the proposed work conforms to the requirements of this chapter and applicable ordinances, codes, laws, rules, and regulations, the City Director of Public Works 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 City Engineer or Director of Public Works, that the construction proposed under the application shall be in full compliance with the requirements of this chapter.

(B) *Additional city review of applications of telecommunications retailers.*

(1) Pursuant to § 4 of the Telephone Company Act, ILCS Ch. 220, Act 65, § 4, a telecommunications retailer shall notify the city 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 city not less than ten days prior to the commencement of work requiring no excavation and not less than 30 days prior to the commencement of work requiring excavation. The City Engineer or Director of Public Works 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 City Engineer or Director of Public Works fails to provide such specification of location to the telecommunications retailer within either (i) ten days after service of notice to the city by the telecommunications retailer in the case of work not involving excavation for new construction; or (ii) 25 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 city, where a permit is required for work pursuant to § 56.04 the telecommunications retailer shall submit to the city 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 division (A) of this section.

(C) *Additional city 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 45 days after submission to the city, unless otherwise acted upon by the city, provided the holder has complied with applicable city codes, ordinances, and regulations.

(Ord. 853, passed 2-26-18)

§ 56.06 EFFECT OF PERMIT.

(A) *Authority granted; no property right or other interest created.* A permit from the city authorizes a permittee to undertake only certain activities in accordance with this chapter on city 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 city with such city representatives in attendance as the city 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 city does not excuse the permittee from complying with other requirements of the city and applicable statutes, laws, ordinances, rules, and regulations.

(Ord. 853, passed 2-26-18)

§ 56.07 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 city within 90 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 § 56.21. If the city 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. 853, passed 2-26-18)

§ 56.08 INSURANCE.*(A) Required coverages and limits.*

(1) 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 city, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in divisions (A)(1)(a) and (b) below:

(a) 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:

1. Five million dollars for bodily injury or death to each person;
2. Five million dollars for property damage resulting from anyone accident; and
3. Five million dollars for all other types of liability.

(b) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of \$1,000,000 for personal injury and property damage for each accident;

(c) Worker's compensation with statutory limits; and

(d) Employer's liability insurance with limits of not less than \$1,000,000 per employee and per accident.

(2) 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 city within ten days following receipt of a written request therefor from the city.

(D) *Maintenance and renewal of required coverages.*

(1) 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 30 days after receipt by the city, by registered mail or certified mail, return receipt requested, of a written notice addressed to the City Mayor of such intent to cancel or not to renew."

(2) Within ten days after receipt by the city of said notice, and in no event later than ten days prior to said cancellation, the utility shall obtain and furnish to the city 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 division (A) of this section. 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 division (A), or the requirements of divisions (B), (C) and (D) of this section. A utility that elects to self-insure shall provide to the city evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under division (A) of this section, 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 city 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.

(Ord. 853, passed 2-26-18)

§ 56.09 INDEMNIFICATION.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the city 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 city, its officials, officers, employees, agents or representatives.

(Ord. 853, passed 2-26-18)

§ 56.10 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 city occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the city issued pursuant to this chapter; and

(3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the city 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 city 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 city from the permittee pursuant to this chapter or any other applicable law.

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

(1) Provide that it will not be canceled without prior notice to the city and the permittee;

(2) Not require the consent of the permittee prior to the collection by the city of any amounts covered by it; and

(3) Shall provide a location convenient to the city 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 City Engineer or Director of Public Works, and may also include reasonable, directly related costs that the city 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 city, 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 City Engineer or Director of Public Works 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 division (C) for any single phase.

(D) *Withdrawals.* The city, upon 14 days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this division, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the city for such amount within the 14-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 city for any damages, claims, costs or expenses which the city 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 city determines can be remedied by an expenditure of an amount in the Security Fund.

(E) *Replenishment.* Within 14 days after receipt of written notice from the city that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in division (C) of this section.

(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 city, upon written request for said withdrawal to the city provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in division (C) of this section.

(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 city 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 city to the extent necessary to cover any reasonable costs, loss or damage incurred by the city 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 city with respect to the Security Fund are in addition to all other rights of the city, 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 city may have. Notwithstanding the foregoing, the city shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated. (Ord. 853, passed 2-26-18)

§ 56.11 PERMIT SUSPENSION AND REVOCATION.

(A) *City right to revoke permit.* The city may revoke or suspend a permit issued pursuant to this chapter for one or more of the following reasons:

- (1) Fraudulent, false, misrepresenting, 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 city 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 § 56.11.

(C) *Permittee alternatives upon receipt of notice of revocation or suspension.*

(1) Upon receipt of a written notice of revocation or suspension from the city, the permittee shall have the following options:

(a) Immediately provide the city with evidence that no cause exists for the revocation or suspension;

(b) Immediately correct, to the satisfaction of the city, the deficiencies stated in the written notice, providing written proof of such correction to the city within five working days after receipt of the written notice of revocation; or

(c) 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 city providing written proof of such removal to the city within ten days after receipt of the written notice of revocation.

(2) The city may, in its discretion, for good cause shown, extend the time periods provided in this division.

(D) *Stop work order.* In addition to the issuance of a notice of revocation or suspension, the city may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within division (A) of this section.

(E) *Failure or refusal of the permittee to comply.* If the permittee fails to comply with the provisions of division (C) of this section, the city or its designee may, at the option of the city: (1) correct the deficiencies; (2) upon not less than 20 days' notice to the permittee, remove the subject facilities or equipment; or (3) after not less than 30 days notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the city. The permittee shall be liable in all events to the city for all costs of removal.

(Ord. 853, passed 2-26-18)

§ 56.12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.

(A) *Notification of change.* A utility shall notify the city no less than 30 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 city'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. 853, passed 2-26-18)

§ 56.13 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:

- (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 (92 Ill. Adm. Code § 545);
- (7) Flagger's Handbook; and
- (8) Work Site Protection Manual for Daylight Maintenance Operations.

(B) *Interpretation of municipal standards and principles.* If a discrepancy exists between or among differing principles and standards required by this chapter, the City Engineer shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the City Engineer shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

(Ord. 853, passed 2-26-18)

§ 56.14 TRAFFIC CONTROL.

(A) *Minimum requirements.* The city'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 48 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 § 56.20, 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 city.
(Ord. 853, passed 2-26-18)

§ 56.15 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 division.

(1) *No interference with city facilities.* No utility facilities shall be placed in any location if the City Engineer or Director of Public Works determines that the proposed location will require the relocation or displacement of any of the city's utility facilities or will otherwise interfere with the operation or maintenance of any of the city'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 city 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 90-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 city 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 city 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 city may restrict the location and size of any freestanding facility located within a right-of-way.

(2) The city 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 city 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. 853, passed 2-26-18)

§ 56.16 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 City Engineer or Director of Public Works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 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 city 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 IDT'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 City Director of Public Works.

(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 city 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 Director of Public Works, 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 Director of Public Works.

(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 division (A)(4) is permitted under § 56.21, 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 Engineer or Director of Public Works.

(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 city.

(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 city.

(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 city 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 city. Bell and spigot type pipe shall be encased regardless of installation method.

(d) In the case of gas pipelines of 60 psig or less, encasement may be eliminated.

(e) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if: (1) extra heavy pipe is used that precludes future maintenance or repair; and (2) 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:

<i>Type of Facility</i>	<i>Minimum Cover</i>
Electric Lines	30 inches (0.8 m)
Communication, Cable or Video Service Lines	18 to 24 inches (0.6 m, as determined by city)
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 city 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: (a) 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 (b) 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 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the city. 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 city 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-B 31.4).

(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 Engineer or Director of Public Works. With the approval of the Engineer or Director of Public Works, 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 "Standards 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 City Director of Public Works. 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 city.

(3) *Hazardous materials.* The plans submitted by the utility to the city 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 city, 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 Director of Public Works when, emergency work is required to restore vital utility services.

(E) *Location of existing facilities.* Any utility proposing to construct facilities in the city 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 city 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 city or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (ILCS Ch. 220, Act 50, §§ 1 et seq.) (Ord. 853, passed 2-26-18)

§ 56.17 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 franchise or other agreement with the city as permitted by law.

(B) *Other utilities - tree trimming permit required.* Tree trimming that is done by any other 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 city 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 city 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 city 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 city 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 Director of Public Works that such spraying is the only practicable method of vegetation control.

(Ord. 853, passed 2-26-18)

§ 56.18 REMOVAL, RELOCATION OR MODIFICATIONS OF UTILITY FACILITIES.

(A) *Notice.* Within 90 days following written notice from the city, 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 city improvement in or upon, or the operations of the city in or upon, the rights-of-way.

(B) *Removal of unauthorized facilities.* Within 30 days following written notice from the city, 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; or

(4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(C) *Emergency removal or relocation of facilities.* The city retains the right and privilege to cut or move any facilities located within the rights-of-way of the city, as the city may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the city 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 city, the utility shall notify the city within 90 days. Following receipt of such notice the city may direct the utility to remove all or any portion of the facility if the City Engineer or Director of Public Works determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the city does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the city, 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. 853, passed 2-26-18)

§ 56.19 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 city. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the City Engineer or Director of Public Works. 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 City Director of Public Works for good cause shown.

(Ord. 853, passed 2-26-18)

§ 56.20 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 city 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 traffic on the highway or the public 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 City Director of Public Works 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 city police 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 city a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

(Ord. 853, passed 2-26-18)

§ 56.21 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 City Director of Public Works 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 City Engineer or Director of Public Works 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 City Director of Public Works 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 City Director of Public Works 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 City Engineer or Director of Public Works under the provisions of this chapter shall have the right to appeal to the City Council, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the City Clerk within 30 days after the date of such order, requirement, decision or determination. The City Council shall commence its consideration of the appeal at the Council's next regularly scheduled meeting occurring at least seven days after the filing of the appeal. The City Council shall timely decide the appeal.

(Ord. 853, passed 2-26-18)

§ 56.22 ENFORCEMENT.

Nothing in this chapter shall be construed as limiting any additional or further remedies that the city may have for enforcement of this chapter.

(Ord. 853, passed 2-26-18)

§ 56.99 PENALTY.

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be subject to fine in accordance with the penalty provisions of this code. There may be times when the city 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 city'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 city. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

(Ord. 853, passed 2-26-18)