

**VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES**

Committee of the Whole

**March 9, 2021
6:30 p.m.**

AGENDA

Meeting Conducted Virtually Due to Governor's Executive Orders #2020-10, 18, and 32

Pursuant to the Open Meetings Act, as amended by Public Act 100-0640, the Mayor of the Village of Libertyville, as the head of the public body, has made a determination that an in-person meeting is not practical or prudent because of a disaster.

Please join this meeting from your computer, tablet, or smartphone:

<https://global.gotomeeting.com/join/325601397>

Members of the public can also dial in using a phone:

United States: +1 (571) 317-3122

Access Code: 325-601-397

1. Roll Call
2. Draft Stormwater Utility Fee Ordinance Revisions
3. Continue Review of FY 2021-2022 Proposed Budget
4. Other Items
5. Adjournment

MEMORANDUM

TO: MAYOR TERRY WEPPLER
VILLAGE BOARD OF TRUSTEES
VILLAGE CLERK

FROM: NICHOLAS MOSTARDO, DIRECTOR OF FINANCE

SUBJECT: STORMWATER ORDINANCE REVISIONS

DATE: 3/9/2021

CC: KELLY AMIDEI, VILLAGE ADMINISTRATOR

Background

On February 23, 2021, staff presented the Stormwater Utility Rate Study Phase II findings and recommendations to the Village Board. Staff also discussed the draft version of the ordinance enacting the Stormwater Utility Fee. The draft ordinance contemplated both Appeal policies and Credit policies. The Village Board indicated that they would like to see a provision included in the ordinance that would allow an appeal of a property's stormwater utility fee in the event of a unique circumstance that is not explicitly outlined in the ordinance.

Analysis

Village staff reviewed the Village Board's request with the Village Attorney to determine how to best effectuate the desired policy outcome. A third credit was considered; however, a credit must have some sort of objective evidence-based methodology in order to equitably apply it to a property or group of properties. Since the purpose of the Village Board's request is to have a process in place for something unknown in the future, a credit and the associated technical requirements thereof is not the most appropriate strategy in this situation.

Instead, staff investigated revising the Appeal policies to add in a right to appeal for a property possessing unique features or unique circumstances. The first draft of the ordinance included the following appeal types:

1. Errors in the square footage of the impervious surface area of the property.
2. Mathematical errors in calculating the fee to be applied to the property.
3. Errors in the identification of the owner or address of a parcel subject to the fee.

To address the Village Board's policy concern, staff propose adding the following additional appeal type in Sec. 25-136: "Requests for adjustments of the stormwater utility fee" of the Village Code:

4. There are unique features of, or unique circumstances affecting, the property, such that the amount of the stormwater utility fee does not approximately reflect the impact of the property on the Village stormwater system. In order to receive an adjustment under this Section 25-136(a)(4), the unique features or circumstances must not be generally applicable or present to other properties in the Village.

The appeal process for all four appeal types would begin with the Finance Director. The Director's decision would be appealable to the Village Administrator. For appeal types one through three, the Village Administrator's decision is final, given that those items are a matter of fact. For the fourth appeal type, uniqueness, the appellant would have the right to appeal the Village Administrator's decision to the Village Board for final review.

Recommendation

1. Provide policy direction regarding the inclusion of a fourth appeal type in the draft Stormwater Utility Fee ordinance.
2. Direct staff to prepare a final version of an ordinance enacting a Stormwater Utility Fee for consideration on March 23, 2021.

Attachment

1. Draft Ordinance Enacting a Stormwater Utility Fee (Changes to Appeal policy on Page 35)

Chapter 25 - WATER, SEWERS AND SEWAGE DISPOSAL¹¹

ARTICLE I. - IN GENERAL

Sec. 25-1. - Purpose and intent.

The purpose of this chapter is to provide for the health, safety and general welfare of the citizens of the Village of Libertyville through the regulation of the village water works and sewage works and to the maximum extent practical, and to comply with the requirements of state and federal law.

Sec. 25-2. - Combined system.

(a) All property, real, personal and mixed, comprising the municipal water system, sanitary sewerage system, and stormwater sewerage system is hereby found, determined and declared to constitute the properties of the combined waterworks and sewerage system of the village.

(b) The combined waterworks system and the sewerage system shall be owned and operated by this village as a combined utility, known as the combined waterworks and sewerage system of the village, and all improvements and extensions to the combined waterworks and sewerage system, either or both, shall be considered as improvements and extensions to the combined utility. All the properties, assets, obligations and liabilities, of all kinds, of the combined waterworks system and of the sewerage system, existing, outstanding and accruing or to accrue, shall be held, used, confessed and acknowledged as the properties, assets, obligations and liabilities of the combined utility. The combined utility will be responsible for the operation, maintenance, management, and improvement of the waterworks and sewerage system, including the stormwater system, in accordance with all applicable permits, licenses and regulations, including all activities required by the NPDES Stormwater Permit. Sec. 25-3. - Administration and enforcement.

The director of public works shall administer, implement and enforce the provisions of this chapter. References herein to the "director" shall mean the director of public works, or duly authorized representatives appointed by the director of public works or by the village administrator.

Sec. 25-4. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *General and water system terminology.*

Agency means the Illinois Environmental Protection Agency.

Auxiliary water supply means any water source or system on or available to any premises, other than the municipal water system, and includes the water so supplied. These auxiliary waters may include water from another purveyor's public water supply system; or water from a private or emergency water supply system; or water from a source such as wells, lakes, or streams; or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water supply system over which the village does not have control.

Backflow means the flow of water or other liquids, mixtures, or substances into the distribution pipes of the municipal water system or any other potable water supply system from any source other than the intended source.

Backflow preventer means a device or means designed to prevent backflow or back-siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly,

pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

Back siphonage means a type of backflow in a pipe or plumbing device in which used, contaminated, or polluted water flows back from a receptacle or other source into a negative pressure in such pipe or plumbing device.

Contamination means an impairment of the quality of the municipal water system or other potable water supply system by entrance of any substance to a degree which could create a health hazard.

Corporation stop means the valve on the water service pipe, generally located near the property line outside of the structure, which allows the turning on and off of water supply to the structure served.

Cross-connection means any physical connection or arrangement between two (2) otherwise separate piping systems, one (1) of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other. A direct cross-connection is a cross-connection formed when the municipal water system or other potable water supply system is physically joined to a source of unknown or unsafe substance. An indirect cross-connection is a cross-connection through which an unknown substance can be forced, drawn by a vacuum or otherwise introduced into the municipal water system or other water supply system.

Cross-connection control device means any approved device, method, or type of construction intended to prevent backflow into the municipal water system or other potable water supply system. The term "backflow prevention device" shall be included in the definition of cross-connection device. All devices used for backflow prevention in Illinois must meet the Standards of the Illinois Plumbing Code and the agency.

Cross-connection control device inspector means any person approved by the agency who is responsible for inspecting cross-connection control devices, for testing and repairing of cross-connection devices and for performing surveys.

Customer means the owner, occupant, and/or person in possession, charge or control of any premises.

Director means the director of public works (refer to section 25-3).

Double check detector valve assembly means an assembly the same as a double check valve assembly with the addition of a water meter and double check in by-pass line as approved under ASSE Standard 1048.

Double check valve assembly means an assembly composed of two (2), independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.

Fixed air gap means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water and the flood level rim of the receptacle.

Health hazard means any condition, device or practice in a water system or its operation resulting in a real or potential danger to a person's health and well-being. The term "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

Illinois Plumbing Code Refer to section 6-201 of this Code.

Inspection means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with the requirements of the Illinois Plumbing Code and this article.

Lawn means that portion or portions of any lot or parcel of real estate under cultivation with grass, trees, shrubs, bushes, flowers or other type of vegetation.

Municipal water system means all the system of pipes, hydrants, boxes, cocks, taps, meters, connections, reservoirs, tanks, engines, property and all appurtenances thereto, whereby water is or may

be supplied to the public or to private parties within the village, operated, controlled or owned by the village. The term "water service system" shall be included in the definition of municipal water system.

Non-potable means the quality of water that does not meet public health standards for drinking water and is not suitable for human consumption.

Parcel means an area of land within the corporate limits of the Village that has been established by a plat or other legal means and has been assigned a Property Index Number (PIN) by the County of Lake, Illinois.

Pollution means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

Potable means the quality of water that meets public health standards for drinking water and is suitable for human consumption.

Premises means a lot or a part of a lot, a building or a part of a building, or any parcel or tract of land whatever.

Private water main and private hydrant means a water main and related appurtenances, and fire hydrants connected to private water mains, that are not owned by the village or contained within a public utility easement granted to the village.

Process fluids means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the municipal water system, a customer's water system, or any other potable water supply system. This includes, but is not limited to:

- (1) Polluted or contaminated water;
- (2) Used water originating from the municipal water system which may have deteriorated in sanitary quality;
- (3) Contaminated natural water taken from wells, lakes, streams, or irrigation systems;
- (4) Chemicals in solution or suspension;
- (5) Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

Reduced pressure principle backflow prevention device means a device containing a minimum of two (2) independently acting check valves together with an automatically operated pressure differential relief valve located between the two (2) check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two (2) checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

Service connection means the opening, including all fittings and appurtenances, at a water main of the municipal water system through which water is supplied to the customer.

Survey means the collection of information regarding the location of all connections between a customer's water system and the municipal water system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's premises. The survey must be in written form, and should not be an actual plumbing inspection.

Swimming pool means any in- or aboveground tank or container designed to hold water and be used for swimming.

Used water means any water supplied by the municipal water system after it has passed through the service connection and is no longer under the control of the village.

Water service means the pipe connecting the potable water plumbing fixtures in a building or structure to the water main, including all valves, fittings and related devices.

Water supply system means any water source, supply, or system, including all pipes, fittings, and control valves, as well as the water so supplied. The term "water supply system" shall not include the municipal water system, however.

(b) *Sewer, wastewater and storm water terminology.*

Best management practices (BMPs) means schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

Building sewer means the private sewer pipe extension from the building to the public sewer (also called sewer service, either for sanitary waste or for storm water).

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Collection system means the sewers whose primary purpose is to collect wastewaters from individual point source discharges.

Combined sewer means a sewer which is designed and intended to receive wastewater, stormwater, surface water and groundwater drainage.

Construction activity means activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of five (5) acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Control manhole means a structure located on a site from which wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a control manhole is to provide access for the village representative to sample and/or measure discharges.

Credit means a conditional, recurring reduction in the amount of a stormwater utility fee to an individual property that meets the qualification standards established in this Chapter and the Rules and Regulations of the Village of Libertyville Stormwater System.

Developed Land means a parcel within the corporate limits of the Village that has been altered from its natural state by the addition of impervious area.

Discharger means any person, firm, establishment or institution which discharges wastewater, excluding inflow and infiltration, to a sanitary sewer which eventually leads to a public sewer or wastewater treatment works. Each single connection is a separate discharge by a discharger.

Dissolved solids means that concentration of matter in the sewage consisting of colloidal particulate matter one (1) micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

Direct Discharge means the conveyance of stormwater runoff directly from a parcel of property to a receiving stream or river without using any part of the stormwater system.

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

Effluent criteria are defined in any applicable NPDES permit.

Equivalent Runoff Unit (ERU) means an index to compare runoff generated by different types and uses of parcels with different stormwater runoff characteristics. One ERU is defined as the runoff

generated by a typical single-family residential parcel and shall equal 3,800 square feet of impervious area or any fraction thereof.

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

Federal act means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (PL 92-500 and (PL 93-243). "Act" is used interchangeably with "federal act."

Intensity of Development Factor (IDF) means an index to compare runoff generated by parcels with different percentages of permeable surfaces calculated according to the following table:

IDF Classification	% Impervious	IDF
Vacant	0%	0.2
Light Development	1% - 20%	0.5
Medium Development	21% - 40%	1.0
Heavy Development	41% - 70%	1.5
Very Heavy Development	>70%	2.0
Totals		

Floatable oil means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in any 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 means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Hauler means any person licensed by applicable authorities to remove septage from a septic tank, cesspool, or other private sewage disposal facility, and place the septage in a location approved by applicable authorities.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge means any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this ordinance.

Illicit connections are defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Impervious Area means the area within a parcel that prevents or significantly impedes the infiltration of stormwater into the soil. Impervious area includes, without limitation, buildings, roofed structures, sidewalks and walkways, parking lots, patios, decks, swimming pools, roads, bridges, medians, driveways, other paved areas, and other similar non-porous areas.

Incompatible pollutant means any nontreatable waste product including nonbiodegradable dissolved solids.

Industrial activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Industrial sewage shall mean a combination of liquid and water-carried wastes, distinct from sanitary sewage, discharged from any industrial, manufacturing, commercial or business establishment and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

Industrial user, under the user charge system, means any user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (1) Division A, Agriculture, forestry, and fishing.
- (2) Division B, Mining.
- (3) Division D, Manufacturing.
- (4) Division E, Transportation, communications, electric, gas and sanitary services.
- (5) Division I, Services.

A user in the divisions listed may be excluded if it is determined by the superintendent that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences with a flow rate not exceeding thirty (30) gallons per employee per eight-hour shift per day.

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

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

Interference means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the wastewater treatment works, its treatment processes or operations or its sludge processes, use or disposal; and therefore is a cause of a violation of the village's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Milligrams per liter means 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 means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

Non-storm water discharge means any discharge to the storm drain system that is not composed entirely of storm water.

NPDES means the national permitting program implemented under the Clean Water Act.

NPDES permit means any permit or equivalent document or requirements issued by the Environmental Protection Agency (EPA), or by a state under authority delegated pursuant to 33 USC Sec.

1342(b), that authorizes a discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Pass through means a discharge which exits a wastewater treatment works into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the village's NPDES permit or receiving stream water quality and/or general effluent discharge standards, including an increase in the magnitude or duration of the violation.

pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed by one of the procedures outlined in standard methods.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Population equivalent is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One (1) population equivalent is one hundred (100) gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

Ppm means parts per million by weight.

Pretreatment means the treatment of industrial wastewater from privately owned industrial sources before introduction into the wastewater treatment works, in accordance with 40 CFR 128.

Private sewer means a sewer which is not owned by the village.

Properly shredded garbage means 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 one-half-inch (1.27 centimeters) in any dimension.

Public sewer means a sewer provided by or subject to the jurisdiction of the village. It shall also include sewers within or outside the village boundaries that ultimately discharge into the village sanitary or storm sewer system even though those sewers may not have been constructed with village funds.

Pumping station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

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

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

Sanitary sewerage system includes sewers, force mains, pumping stations, wastewater treatment facilities, outfall sewers, pumping, power, and other equipment and appurtenances of such facilities, and other works, including land, which are part of the treatment process, ultimate disposal of the residues, or administrative support systems necessary. This term is used interchangeably with wastewater facilities and wastewater treatment works.

Septage shall mean the accumulated sludge in a cesspool, or other private sewage disposal facility.

Sewage is used interchangeably with wastewater.

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

Slug means any discharge of water or wastewater which in concentration of any given constituent or in any quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average concentration or flows during a normal working day (i.e., one-, two-, or three-shift operation) or of such concentration or volume as to cause interference with the wastewater treatment works or to adversely affect the sewage works.

Standard methods means the laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and 40 CFR 136, 3, 4, and 5, and/or other recognized procedures by the U.S. Environmental Protection Agency and state environmental protection agency.

Storm drainage system or Stormwater System means the system of conveyances owned and operated by the Village and designed for or used in the collection, control, transportation, treatment or discharge of stormwater, including but not limited to storm sewers, storm drains, curbs, gutters, ditches, detention ponds or basins, dams, river impoundment, manmade channels or storm drains, and flood control facilities, and any appurtenances thereto.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater pollution prevention plan means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

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

Suspended solids shall mean solids that either float on the surface of, or are in suspension in water or sewage, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in standard methods.

Total solids means the sum of suspended and dissolved solids.

Toxic amount shall mean concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to section 307(a) of PL 92-500.

Undeveloped Parcel means a parcel of land that remains in its natural state with no impervious area.

Unpolluted water means water of 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.

Volatile organic matter means the material in the sewage solids transformed to gases or vapors when heated at five hundred (500) degrees Celsius for fifteen (15) minutes.

Wastewater means the spent water of a community. From this standpoint, 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 means 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 means the charge levied bimonthly on all users of the wastewater facilities.

Wastewater treatment works means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with the term "waste

treatment plant" or "wastewater treatment plant" or "pollution control plant". The term "sewage treatment plant" is used interchangeably with "wastewater treatment works".

Water quality standards are defined in the Water Pollution Regulations of Illinois.

Watershed development ordinance (WDO) means those provisions defined and stipulated in the Lake County Watershed Development Ordinance, adopted by the Village of Libertyville as chapter 20.5 of this Code.

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

Waterworks means all facilities for water supply, treatment, storage reservoirs, water lines and services, and booster stations for obtaining, treating and distributing potable water.

Secs. 25-5—25-7. - Reserved.

ARTICLE II. - MUNICIPAL WATER SYSTEM

DIVISION 1. - GENERAL PROVISIONS AND STANDARDS

Sec. 25-8. - Damaging waterworks.

No person shall willfully or carelessly break, injure, mar, deface, interfere with or disturb any building, machinery, apparatus, fence, fixtures, attachment of appurtenances or the waterworks of the village or any public or private hydrant, meter or meter-box or stopcock, stopcock box, shutoff valve, or shutoff box, water supply or service pipe, or any part thereof; nor shall any person deposit anything in any meter box, stopcock box, or shutoff valve box or commit any act tending to obstruct or impair the intended use of any of the above-mentioned things

Sec. 25-9. - Use of hydrants.

- (a) All hydrants erected in the village for the purpose of extinguishing fires, whether they are connected to public or private water mains, are regulated as follows: Except as provided below, no person other than the following persons shall open any of the hydrants, attempt to draw water from such hydrants, or in any manner interfere with such hydrants: (i) the members of the fire department; (ii) the members of the public works department; and (iii) persons expressly authorized by the director of public works or designee. Notwithstanding the foregoing limitation on the use of hydrants, persons authorized by the director of public works or designee may draw water from the hydrants, upon installation by the public works department of a hydrant meter and deposit of a refundable cash bond in the amount established in the annual fee ordinance, when such use will not interfere with the proper operation, maintenance and use of the municipal water system and such use is necessary for limited periods due to unusual circumstances, all as determined by the director of public works or designee.
- (b) No member of the fire or public works department shall let any person not connected with the fire or public works department take the wrenches or any other tools or equipment or apparatus from any firehouse or public works facility or from possession of the fire or public works department, as the case may be.
- (c) Any unauthorized person that attempts to open a hydrant, attempt[s] to draw water from a hydrant or in any manner interfere with a hydrant shall be fined the amount established in the annual fee ordinance.

Sec. 25-10. - Access to premises.

The director shall have access to private property at all hours between 8:00 a.m. and 5:00 p.m. to examine and read all meters and to ascertain whether there is any leakage or unnecessary waste of water.

Sec. 25-11. - Water connection permits.

- (a) Applications for right-of way and/or site development permits to connect water service pipes with the municipal water system must be made to the director. No such connection shall be made by any person not authorized by the director and then only after the permit has been issued and paid for.
- (b) Notice must be provided to the office of the director by the plumber about to install any such service pipe, fixing the day and approximate time on which he wishes the village main to be tapped. This notice must be given at least two (2) days previous to the excavation by the plumber or contractor for the insertion of the water connection.
- (c) No person or persons other than a duly designated employee of the public works department will be permitted to tap a public or private water without express authorization from the director. All taps must be made at or near the ten o'clock position of the water main and not in any case nearer than twelve (12) inches from the bell of the pipe. The size of the tap shall be specified in the permit.
- (d) The corporation stop inserted in the watermain pipes and the service pipe laid shall be the size specified in the permit and order. The director of public works shall keep a complete record of the exact location, number and sizes of all taps permitted for installation. The applicant shall provide such information to the office of the director of public works.

Sec. 25-12. - Extensions to water supply pipes.

- (a) Where connection to the municipal water system is desired or required and a public water supply pipe owned by the village does not traverse the entire length or width of the premises in question in a public easement or right-of-way traversing or adjacent to such premises but does extend to, or can be extended by means of an extension of five hundred (500) feet or less through public easements or rights-of-way to, the property line of the premises in question, the owner of the premises in question shall, at such owner's sole cost and expense, unless excused by the director on the basis that the proper extension, installation, operation and maintenance of the village water supply system does not require it, extend, or provide for the extension of, such water supply pipe to, and across the entire length or width of, the premises in question and shall, if no existing public easement is available adjacent to or across the premises in question, dedicate such an easement across the entire length or width of such premises, all in accordance with standards and specifications to be provided by the director on the basis of the minimum standards necessary to ensure the proper extension, installation, operation and maintenance of the village water supply system.
- (b) Prior to commencing the extension to the water supply pipe, such property owner shall:
 - (1) Procure a site/watershed development permit from the public works department, engineering division and all necessary permits required by any other regulatory agency, including the state environmental protection agency; and
 - (2) Post with the director cash, a letter of credit or a corporate surety bond issued by a corporate surety licensed to do business in the state, in an amount equal to one hundred ten (110) percent of the cost of the pipe extension work involved, which cash deposit, letter of credit or bond shall be conditioned upon the faithful performance by such property owner of all work with due care and skill, in accordance with all applicable laws, ordinances, rules and regulations, and upon the satisfactory performance of all systems and facilities installed or repaired for a period of one (1) year following final inspection and approval by the village. The cash deposit, letter of credit or bond shall additionally provide that such property owner will indemnify and save harmless the village against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence in connection with the extension of the public water supply pipe. Such cash deposit, letter of credit or bond shall, by its terms, remain in full force and effect for a period of one (1) year following final inspection and approval of the work

by the village; provided, however, that the amount thereof may be reduced to ten (10) percent of the actual cost of the pipe extension work upon approval of such work by the village.

All work required by this Section shall be performed by or under the direct supervision of a person licensed or qualified by the state for the work involved.

- (d) All excavation and installation work for connections to the municipal water system and/or extensions of a public water supply pipe by such property owner shall be subject to inspection and approval by the village and shall comply with this chapter and all other applicable laws, ordinances, rules and regulations.

Sec. 25-13. - Water service pipes.

- (a) Single family detached, single family attached and two-family dwellings (as defined in the Libertyville Zoning Code) shall have a separate water service pipe, curb stop valve and service box (b-box) provided for each dwelling, located on the outside of each structure, and centered within the width of the public sidewalk where possible. Water service design for all other structures shall be as approved by the director.
- (b) All service pipes to the meter serving single or two-family dwellings shall not be less than one (1) inch in diameter. Water service pipe sizes for all structures shall be as approved by the director or building official (ref. section 6-202 of this Code).
- (c) All service pipes shall be constructed of type K copper or ductile iron pipe.
- (d) The permit holder shall supply as-constructed location information of all curb stop valves and service boxes to the director for permanent record keeping purposes.

Sec. 25-14. - Meters.

All water service pipes shall be metered in accordance with the requirements of the director. Meters for new construction of the proper size and type and all accessories for such meters will be provided by the village upon payment of the fee established in the annual fee ordinance. Property owners wishing to increase the size of their meter(s) will pay the difference in cost between the current cost of the old meter and the current cost of the replacement meter. Defective meters or meter accessories will be replaced or repaired by the village at no cost to the owner. The owner must provide unobstructed access to the meter during regular business hours for the purposes of meter reading, repair and/or replacement. Property owners negligent in the care of water meters or who allow meters to become damaged may be charged for repair and/or replacement, including labor costs. Water used for the purpose of fighting fires will be provided free of charge. All other water uses shall be metered and will be billed in accordance with the current water rates.

Water meters shall be installed at the same time as the water service is placed into service and turned on. It is unlawful for water to be used without being metered in accordance with village requirements, and failure to so comply will be enforced per the applicable provisions of this Code.

Sec. 25-15. - Turning on water.

Property owners or their representatives are prohibited from turning on the water into any service pipe except upon the order or permission of the director. This rule shall not be construed to prohibit any plumber from admitting water to test pipes and for that purpose only.

Sec. 25-16. - Turning off water.

For a violation of any of the rules and regulations, or such others as the village board may adopt, the village administrator reserves the right to stop the supply of water without any preliminary notice, nor will it be restored until all back water rents, costs and damages shall be paid, together with a fee in the amount established by the annual fee ordinance for the expense of turning off the water and turning it on again, and upon a satisfactory understanding that no further cause of complaint shall arise. The village board reserves to itself the full right, power and authority to cut off supply of water at any time, without incurring any liability or cause of action for damage of any kind.

Sec. 25-17. - Maintenance, replacement and repair of water service pipes.

- (a) The village is responsible for repair of all water services of sizes up to and including two (2) inches in diameter, from the water main up to and including the curb stop valve, the service box and the pipe connections on both sides of the curb stop. Repair responsibility is limited to known instances of water leaks or service pipe damage, including damage to the curb stop and/or service box, unless such damage is caused by the property owner or his agent. Village repair responsibility includes all restoration, both public and private, which is necessary following such repairs, including pavement, curb, parkway, sidewalk and any other public or private facility that is damaged. The village may elect to replace water services from the water main up to and including the curb stop valve and service box in cases involving the general public interest, such as being a part of a public improvement project. Property owners are responsible for the maintenance and repair of that portion of the water service between, but not including, the connection to the curb stop valve and into the structure served.
- (b) All costs necessary to replace a water service at the owner's discretion, such as for improved water supply to the premises, shall be the responsibility of the owner. A village permit is required per section 25-11. The existing water service to be abandoned shall be shut off at the corporation stop valve at the water main, with right-of-way restoration in accordance with permit requirements.
- (c) Maintenance and repair of water services greater than two (2) inches in diameter, including the pipe(s) between the connection at the water main into the structure, and all valves, services boxes/valve vaults, and all connection fittings and restoration (as noted in subsection (a) above), is the responsibility of the owner of the premises served.
- (d) The village may, but shall be under no obligation to, maintain or repair any water service pipe or any plumbing system which is the responsibility of the owner as described in this section in either or both of the following instances:
 - (1) A bona fide emergency involving peril to persons, property or the supply of water.
 - (2) The failure of the owner of the premises served to adequately repair or maintain the water service pipe or plumbing system after ten (10) days' advance written notice of the need for repair from the village.
- (e) If the village performs any work pursuant to subsection (d) above, the village's costs and expenses shall be billed to and paid by the owner of the premises served.

Sec. 25-18. - Lawn sprinkling and other exterior water uses.

- (a) *Water use restrictions.* Except as set forth in this chapter, no owner or occupant of any lot or real estate within the village shall engage in or permit at any time lawn sprinkling, swimming pool filling or any other exterior water use on such lot or real estate during the period May 15 through September 15 of any year.
- (b) *Exceptions.* The following uses shall be excepted from the foregoing restriction:

- (1) On even-numbered calendar days, persons having even-numbered house or business address numbers may engage in exterior water use for all purposes; provided, however, that exterior water use for lawn sprinkling purposes shall not be permitted from the hour of 10:00 a.m. to the hour of 4:00 p.m. when evapotranspiration is at its highest.
 - (2) On odd-numbered calendar days, persons having odd-numbered house or business address numbers may engage in exterior water use for all purposes; provided, however, that exterior water use for lawn sprinkling purposes shall not be permitted from the hour of 10:00 a.m. to the hour of 4:00 p.m. when evapotranspiration is at its highest.
 - (3) New lawns (less than three (3) months old) may be exempted from provisions 25-18(b)(1) and 25-18(b)(2).
 - (4) Vegetable and flower gardens grown for the exclusive use of those cultivating such vegetable and flower gardens may be watered by handheld hoses or watering cans at any time.
 - (5) Exterior water use from sources other than the municipal water supply shall be permitted at all times.
 - (6) Water use for commercial gardening and truck farming shall not be permitted at any time except upon special permit issued by the village administrator for good cause shown, and then only for temporary periods sufficient to allow the permittee to obtain a source of water other than the municipal water system.
 - (7) Washing all vehicles from a garden hose is permissible at any time provided a shutoff nozzle is utilized which prevents the continual discharge of water from the hose.
- (c) *Emergencies.* Upon determination by the village administrator, or in his absence the director of public works, that a condition of extreme water shortage exists, the village administrator or director of public works may impose such additional, immediate or total external water use restrictions as may be necessary to ensure maintenance of an adequate supply of water to meet internal residential, business and firefighting requirements. No such additional, immediate or total water use restrictions shall remain in force beyond the next regular meeting of the corporate authorities of the village at which a quorum is present unless the emergency restrictions determined by the village administrator or director of public works are ratified by the corporate authorities at such meeting.

Secs. 25-19—25-25. - Reserved.

DIVISION 2. - CROSS-CONNECTION CONTROL

Sec. 25-26. - Prohibition.

- (a) Connections between the municipal water system or other potable water supply systems and other systems or equipment containing non-potable water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis. No physical connection shall be permitted between the municipal water system or any potable water supply system and any auxiliary water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the agency. There shall be no arrangement or connection by which an unsafe substance may enter the municipal water system or other potable water supply system or an auxiliary water supply approved by the director and the agency.
- (b) No person, firm or corporation shall establish or maintain, or permit to be established or maintained, any connection whereby an auxiliary water supply may enter the municipal water system or the customer's water system, unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the director and the agency.

Sec. 25-27. - Devices or methods.

- (a) Only approved cross-connection control devices or methods can be used to satisfy the requirements of this article.
- (b) The type of protection required shall depend on the degree of hazard which exists as follows:
 - (1) An approved fixed air gap separation shall be installed where the municipal water system may be contaminated with substances that could cause a severe health hazard.
 - (2) An approved fixed air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the municipal water system may be contaminated with a substance that could cause a system or health hazard.
 - (3) An approved fixed air gap separation or an approved reduced pressure principle backflow prevention device or a double check valve assembly shall be installed where the municipal water system may be polluted with substances that could cause a pollution hazard not dangerous to health.
 - (4) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed on premises where it is impractical to determine whether cross-connections exist or is impossible to make a complete cross-connection survey or on premises having a repeated history of cross-connections being established or re-established.
- (c) Reduced pressure principle backflow prevention devices shall be installed on fire safety systems connected to the municipal water system when:
 - (1) The fire safety system contains anti-freeze, fire retardant or other chemicals;
 - (2) Water is pumped into the system from a source other than the municipal water system such as an exterior fire department (Siamese) connection;
 - (3) Water flows by gravity from a non-potable source or water can be pumped into the fire safety system from any source other than the municipal water system; or
 - (4) There is a connection whereby a source other than the municipal water system can be introduced into the fire safety system.
- (d) All other fire safety systems connected to the municipal water system shall be protected by a double check valve assembly.
- (e) The type of cross-connection control devices required for any other potable water supply system shall be equivalent to the devices used to protect the municipal water system from similar hazards, unless the director permits otherwise.
- (f) Cross-connection control devices shall be located in accordance with the agency's regulations and/or the Illinois Plumbing Code for observation, maintenance and replacement services.

Sec. 25-28. - Installation, inspection, maintenance and repair of devices.

- (a) The customer shall prevent backflow and back siphonage into the municipal water system by ensuring that either all cross-connections are removed or cross-connection control devices are installed, inspected, maintained and repaired.
- (b) The customer shall ensure that a cross-connection control device be installed wherever necessary to prevent cross-connections to the municipal water system or any other potable water supply system. Cross-connection control devices shall be installed and maintained as provided for in the

Illinois Plumbing Code and the agency's regulations and in accordance with the manufacturer's instructions. The manufacturer's maintenance manual shall be available on the premises.

- (c) In addition to the foregoing, the customer shall ensure that a cross-connection control device be installed under any of the following conditions:
- (1) Premises for which the director or building official makes an independent determination that actual or potential hazards to the municipal water system exist.
 - (2) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the superintendent and the source is approved by the agency.
 - (3) Premises on which any substance is handled which can create an actual or potential hazard to the municipal water system. This shall include premises having sources or systems containing process fluids or waters originating from the municipal water system which are no longer under the sanitary control of the superintendent.
 - (4) Premises having internal cross-connections that, in the judgment of the Director and/or the cross-connection control device inspector, are not correctable.
 - (5) Premises having intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
 - (6) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
 - (7) Premises having a repeated history of cross-connections being established or re-established.
- (d) An approved cross-connection control device shall be installed, on each service line to a customer's water system serving, but not necessarily limited to, the following types of facilities, unless the director determines that no actual or potential hazard to the municipal water system exists:
- (1) Hospitals, mortuaries, clinics, nursing homes;
 - (2) Laboratories, dental offices;
 - (3) Piers, docks, waterfront facilities;
 - (4) Sewage treatment plants, sewage pumping stations or stormwater pumping stations;
 - (5) Food or beverage processing plants, butcher shops, restaurants;
 - (6) Chemical plants;
 - (7) Metal plating industries;
 - (8) Petroleum processing or storage plants;
 - (9) Radioactive material processing plants or nuclear reactors;
 - (10) Car washes, auto repair, auto lube, auto dealer;
 - (11) Pesticide, herbicide or extermination plants and trucks;
 - (12) Farm service and fertilizer plants and trucks;
 - (13) Properties with underground irrigation systems;
 - (14) Veterinarians, kennels;
 - (15) Photo labs;
 - (16) Hotels, motels, beauty shops, laundry mats, dry cleaners, barber shops;
 - (17) Schools;
 - (18) Multiple story buildings;
 - (19) Properties with fire suppression systems.

- (e) Cross-connection control devices shall be inspected and tested at the time of installation and at least annually, or more frequently if recommended by the manufacturer, by a cross-connection control device inspector. The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
- (f) Each cross-connection control device shall have a tag attached listing the date of the most recent test or visual inspection, the name of the cross-connection control device inspector, and the type and date of repairs.
- (g) A maintenance log shall be maintained on-site and include:
 - (1) Date of each test or visual inspection;
 - (2) Name and approval number of the person performing the test or visual inspection;
 - (3) Test results;
 - (4) Repairs or servicing required;
 - (5) Repairs and date completed; and
 - (6) Servicing performed and date completed.

The customer shall forward a copy of the test results to the superintendent within fourteen (14) days after its completion.

- (h) The installation, inspection and maintenance of all cross-connection control devices shall be at the sole cost and expense of the customer. Whenever cross-connection control devices required by these regulations are defective, they shall be repaired or replaced at the sole cost and expense of the customer without delay.
- (i) Cross-connection control devices shall not be bypassed (unless the bypass has equal protection), made inoperative, removed or otherwise made ineffective without specific authorization by the director.

Sec. 25-29. - Survey and investigations.

The director shall cause surveys and investigations to be made of commercial, industrial and other properties served by the municipal water system to determine whether actual or potential hazards to the municipal water system may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least once every two (2) years, or more often as the director shall deem necessary. Such surveys may be conducted by telephone, mail or personal visit to the premises and may include an actual visual inspection of piping or plumbing systems. Should an inspection of piping or plumbing systems be deemed necessary, the customer shall provide to the director drawings and other pertinent information regarding the piping or plumbing system. The refusal of such information, when requested, shall, within the discretion of the director, be deemed evidence of the improper connections as provided in this article.

The customer shall cause annual inspections and shall review water use practices on his or her premises to determine whether there are actual or potential cross-connections to the customer's water system through which contaminants or pollutants could backflow into the customer's water system or the municipal water system. Such inspections may be done when cross connection control devices are tested and shall be conducted by a duly licensed and bonded plumber who is also a licensed cross connection control device inspector.

Sec. 25-30. - Booster pumps.

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

Sec. 25-31. - Cross-connection violations.

- (a) The customer's premises shall be open between the hours of 7:00 a.m. and 6:00 p.m. to the cross-connection control device inspector and the director or his or her designees for the purposes of verifying the presence or absence of cross-connections, inspecting the installation, testing, maintenance and repair of cross-connection control devices, verifying information submitted by the customer regarding the required cross-connection control device inspection, and ensuring that the requirements of this article have been properly executed.
- (b) If in accordance with the Illinois Plumbing Code or in the judgment of the director, a cross-connection control device is necessary for the safety of the municipal water system, the director may, with the approval of the village administrator, two (2) weeks after serving a written notice on the customer to install a cross-connection control device, deny or discontinue water service to such customer's premises, and wherever water service is denied or discontinued it shall not be turned on again until the cross-connection control device is properly installed. The superintendent may, with the approval of the village administrator, after two (2) weeks written notice to a customer, deny or discontinue the water service to any customer's premises wherein any cross-connection control device required by this article is not installed, tested, maintained or repaired in a manner acceptable to the director, or if it is found that the cross-connection control device has been removed or by passed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off or other device required by this article is not installed and maintained in working order, or if any person is found to be violating any provision of this article.
- (c) If in the judgment of the director an emergency exists whereby the municipal water system is immediately threatened, the director shall have the right to enter the premises of a customer, providing oral notice only if such is possible, and may immediately without any notice deny or discontinue the water supply to a customer's premises, advising the village administrator as soon as possible, if not before the action. In the event of such denial or discontinuance, the director shall as soon as practical serve written notice as herein provided.
- (d) The written notice herein provided for shall state the nature of the request or violation and shall provide a reasonable time limit for the satisfactory correction thereof. This written notice may be served by personal service or by mailing such notice upon the customer.
- (e) Water service that has been denied or discontinued shall not be restored until the customer has corrected or eliminated any conditions or defects in conformance with this article and to the satisfaction of the director, and a reconnection fee in the amount specified in the annual fee ordinance shall have been paid.
- (f) Neither the village, the village administrator, the director, nor their agents or assigns shall be liable to any customers of the municipal water system for any injury, damages or lost revenue which may result from the termination of a customer's water supply, whether or not such termination was with or without notice.
- (g) Any person violating any of the provisions of this article, in addition to the foregoing, shall become liable to the village for any expense, loss or damage occasioned by the village by reason of such violation, whether the same was caused before or after notice. If contamination of the municipal water system occurs through an illegal cross-connection or an improperly installed, maintained or repaired cross-connection control device, or a cross-connection control device which has been bypassed, the customer responsible for such contamination shall bear the cost of clean-up or repair to the municipal water system.

Secs. 25-32—25-57. - Reserved.

ARTICLE III. - SANITARY SEWERS AND SANITARY SEWAGE DISPOSAL

DIVISION 1. - GENERAL PROVISIONS

Sec. 25-58. - Powers and authority of inspectors.

- (a) The director and other duly authorized representative, authorized employees of the Village, the state 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 article. The director 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 waterways or facilities for waste treatment.
- (b) While performing the necessary work on private properties referred to in subsection (a) above, the director, authorized employees of the village, the state 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 village employees and the village shall indemnify the company against loss or damage to its property by authorized representatives or village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 25-108.
- (c) The director and authorized employees of the village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within 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.

Sec. 25-59. - Penalties.

- (a) Any person found to be violating any of the provisions of this article, shall be served by the village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The director may issue an order for immediate correction or cessation of the violation if, in his opinion, the health, safety and welfare of the community and/or the environment is in jeopardy. The village may revoke any permit for sewage disposal as a result of any violation of any provision of this section.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) above shall be guilty of an offense.
- (c) Any person violating any of the provisions of this article shall become liable to the village by reason of such violation.

Sec. 25-60. - Use of public sewers required.

- (a) *Deposit of wastes.* It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the village or in any area under the jurisdiction of the village, any human or animal excrement, garbage or other objectionable waste.
- (b) *Wastes in natural outlets.* It shall be unlawful to discharge to any natural outlet within the village, or in any area under the jurisdiction of the village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this article.
- (c) *Private sewage disposal systems.* Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (d) *Connection to public sewer.* The owner of a house, building, or property used for human occupancy, employment, recreation, or other purposes situated within the village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so, provided that such public sewer is within five hundred (500) feet (152.3 meters) of the property line.
- (e) *Duty to extend public sewer.*
 - (1) Where connection to the village sanitary sewerage system is desired or required, and a public sewer does not traverse the entire length or width of the premises in question in a public easement or right-of-way traversing or adjacent to such premises but does extend to, or can be extended by means of an extension of five hundred (500) feet or less through public easements or rights-of-way to, the property line of the premises in question, the owner of the premises in question shall, at such owner's sole cost and expense, unless excused by the director on the basis that the proper extension, installation, operation and maintenance of the public sewer system does not require it, extend, or provide for the extension of, such sewer to, and across the entire length or width of, the premises in question and shall, if no existing public easement is available adjacent to or across the premises in question, dedicate such an easement across the entire length or width of such premises, all in accordance with standards and specifications to be provided by the director on the basis of the minimum standards necessary to ensure the proper extension, installation, operation and maintenance of the village sewerage system.
 - (2) Prior to commencing the extension of the public sewer, such property owner shall:
 - a. Procure a site/watershed development permit from the public works department, engineering division, and all necessary permits required pursuant to this chapter and all permits required by any other regulatory agency, including the state environmental protection agency; and
 - b. Post with the director cash, a letter of credit or a corporate surety bond issued by a corporate surety licensed to do business in the state, in an amount equal to one hundred ten (110) percent of the cost of the work involved, which cash deposit, letter of credit or bond shall be conditioned upon the faithful performance by such property owner of all work with due care and skill, in accordance with all applicable laws, ordinances, rules, and regulations, and upon the satisfactory performance of all systems and facilities installed or repaired for a period of one (1) year following final inspection and approval by the village. The cash deposit, letter of credit or bond shall additionally provide that such property owner will indemnify and save harmless the village against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence in connection with the extension of the public sewer. Such cash deposit, letter of credit or bond shall, by its terms, remain in full force and effect for a period of one (1) year following final inspection and approval of the work by the village; provided, however, that the amount thereof may be reduced by ten (10) percent of the actual cost of the sewer extension work upon approval of such work by the village.

- (3) All work required by this subsection (e) shall be performed by or under the direct supervision of a person licensed or qualified by the state for the work involved.
- (f) *Compliance with law.* All excavation and installation work for connections to the village sewerage system and/or extensions of a public sewer by such property owner shall be subject to inspection and approval by the village and shall comply with this chapter and all other applicable laws, ordinances, rules and regulations.

Sec. 25-61. - Private sewage disposal.

- (a) *Required.* Where a public sanitary sewer is not available under the provisions of section 25-60 the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section, chapter 6 of this Code and applicable permit requirements of the Lake County Health Department.
- (b) *Connection to public sewer.* At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- (c) *Maintenance; sludge removal.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the village. The owner must have all accumulated septage (septic tank sludge) removed from each septic tank, cesspool, or similar private sewage disposal facility at least once every three (3) years. Suitable proof of compliance must be forwarded to the village within thirty (30) days of septage removal along with location of septage disposal.
- (d) *Discontinuing use; cleaning.* When a building sewer is connected to a public sewer, the private sewage disposal system shall be cleaned of septage and filled with clean bank-run gravel or dirt. Proof of such cleaning shall be forwarded to the village along with the location of septage disposal.

Sec. 25-62. - Protection from damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sanitary sewage works. Any person violating this section shall be subject to immediate arrest under charge of disorderly conduct.

Secs. 25-63—25-75. - Reserved.

DIVISION 2. - BUILDING SEWERS AND CONNECTIONS

Sec. 25-76. - Permit required.

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the village public works department, engineering division. All excavations performed in the public right-of-way require a written right-of-way permit, for single residential structures, or a site/watershed development permit for all other development, in accordance with the provisions of this Code.
- (b) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the village. All required permit and inspection fees and all connection charges for a residential or commercial structure or for any establishment producing

industrial wastes that is to be connected to the village sewer system shall be paid to the village at the time the application is filed as detailed in applicable ordinances of the village. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, flow and strength characteristics, type of activity, and the number of personnel employed on a full time and less than full-time basis.

Sec. 25-77. - Compliance with 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.

Sec. 25-78. - Adequate sewage treatment facilities.

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.

Sec. 25-79. - Cost of installation.

The owner shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 25-80. - Reserved.

Sec. 25-81. - Separate connection each 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 both buildings are under common ownership, 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 (1) building sewer.

Sec. 25-82. - Use of old sewers.

Old building sewers may be used in connection with new buildings provided the old sewer line is sufficiently sized to serve the new building, and closed circuit television inspection reveals that the pipe is in satisfactory condition, as determined by the director. The cost for this inspection will be borne by the property owner or builder. The director may require the old sewer to be internally lined in a manner consistent with accepted construction practices in order to ensure structural integrity and/or watertightness.

Sec. 25-83. - Construction standards.

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The size, slope, alignment, materials of construction, connection to the public sewer of a building sewer, and the methods to be used in excavating, placing of the pipe, joining, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code, the village "design standards" established by chapter 22 (Subdivision code) of this Code, or other applicable rules and regulations of the village.

Sec. 25-84. - Surface water drainage.

No person 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.

Sec. 25-85. - Supervision of connection.

The applicant for the building sewer permit shall notify the village when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director.

Sec. 25-86. - Excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights, to the satisfaction of the director, so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the village.

Sec. 25-87. - Maintenance and repair of building sewers.

- (a) Repairs to and maintenance of all building sewers (for both sanitary and storm water), including all equipment, materials and appurtenances thereto, leading from the public sewer of the village, including the service tap fittings, to the premises served and all plumbing systems within the premises served shall be made by and at the expense of the owner of the premises served.
- (b) The village may, but shall be under no obligation to, maintain or repair any building sewer or any plumbing system described in subsection (a) above in either or both of the following instances:
 - (1) A bona fide emergency involving peril to persons, property or the operation of the village sewerage system.
 - (2) The failure of the owner of the premises served to adequately repair or maintain the building sewer or plumbing system after ten (10) days' advance written notice of the need for repair from the village.
 - a. If the village performs any work pursuant to subsection (b) of this section, the village's costs and expenses shall be billed to and paid by the owner of the premises served.
 - b. During the course of undertaking public improvement or maintenance construction projects, the village, at its own expense, may repair, replace or slipline building sewers that are found to be subject to failure or storm water inflow or infiltration. Such repairs shall generally be limited to those portions of the building sewer contained within the public right-of-way or within a public utility easement.

Secs. 25-88—25-100. - Reserved.

DIVISION 3. – SANITARY SEWAGE WORKS

Sec. 25-101. - Sanitary sewer service.

All new residential and commercial structures constructed on lots with an existing sanitary sewer service shall remove and plug said existing service if it consists of vitrified clay pipe, or if sags, root intrusion, or other evidence of infiltration are present in the service. The new service shall be PVC SDR 26 pipe with gasket joints or Ductile Iron Class 52 pipe, include a new wye connection, and extend to the structure.

Sec. 25-102. - Stormwater disposition.

- (a) No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, 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 storm sewers, or to a natural outlet approved by the director, in accordance with applicable sections of this Code. Industrial cooling water or unpolluted process waters may be discharged on approval of the director, to a storm sewer or natural outlet.

Sec. 25-103. - Wastes prohibited in sewers.

- (a) *Prohibition.* No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any solids, solid wastes, liquids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction, to cause fire or explosion or be injurious in any other way. Such materials include, but are not limited to: gasoline, kerosene, fuel oil, benzene, toluene, xylene, naphtha, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides, or other flammable or explosive liquid, solid or gas. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the sewerage system be more than five (5) percent of the lower explosive limit of the meter. At no time shall any single reading at the point of discharge to the sewerage system be more than ten (10) percent of the lower explosive limit of the meter.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes which: injure or interfere with any sewage treatment process, sewers or equipment; constitute a hazard to humans or animals; create a public nuisance; create any hazard in the receiving waters of the sewage treatment plant; cause the village facilities to be in violation of its NPDES or other disposal system permits; cause the village facilities to violate receiving stream water quality and/or general effluent discharge standards; or cause village facilities to be in non-compliance with any sludge use or disposal regulations.
 - (3) Any waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works. The pH limits shall be met at all times and are not subject to averaging.

- (4) 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, grease, spent lime, stone or marble dust, grass clippings, spent grains or hops, glass grinding or polishing wastes, fatty acids or esters of fatty acids, metal, glass, rags, feathers, tar, paper, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, containers, etc., either whole or ground by garbage grinders.
- (5) Septage (septic tank, cesspool, or private sewage disposal sludge).
- (6) Pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the sewage treatment process.
- (7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (8) Pollutants which result in the presence of toxic gases, vapors, or fumes within the sewage works in a quantity that may cause acute worker health and safety problems.
- (9) Trucked or hauled pollutants, except as specifically authorized in writing by the superintendent.
- (10) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65° C) or in such quantities and temperature to cause the influent temperature at the sewage treatment plant to exceed one hundred four (104) degrees Fahrenheit (40° C).
- (11) 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 thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65° C).
- (12) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
- (13) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (14) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (15) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (16) Medical wastes, except as specifically authorized in writing by the superintendent.
- (17) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (18) Detergents, surface-active agents, or other substances which may cause excessive foaming in the treatment plant.
- (19) Any wastewater containing any organism, including viruses, considered pathogenic and/or detrimental to process organisms other than by direct excrement.
- (20) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the director 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.
- (21) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- (22) Materials which exert or cause:

- a. 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).
- b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- c. Unusual BOD, chemical oxygen demand, or chlorine requirements (such as, but not limited to, radiator flushings containing ethylene glycol), in such quantities as to constitute a significant load on the sewage treatment works.
- d. Unusual volume of flow or concentrations of wastes constituting slugs.

(23) 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.

- (b) *Local limits.* No discharger shall discharge any waters or wastes containing concentrations greater than the limitations set forth below into any public sewer. Such limitations apply at the point of discharge to the village sewage works. The superintendent may impose mass limitations in addition to, or in place of, the concentration based limits below:

Pollutant	Maximum Concentration (mg/l)
Boron	1.0
Chromium (Hexavalent)	5.0
Chromium (Trivalent)	10.0
Copper, Total	3.0
Cyanide	0.025
Iron, Total	15.0
Lead, Total	0.1
Mercury, Total	0.005 mg/l
Nickel, Total	3.0
Oil and grease, etc. (carbon tetrachloride extraction)	100.0
Cadmium, Total	2.0
Chlorine demand	30.0

Phenols	0.5
Zinc	2.0

- (c) *National Categorical Pretreatment Standards.* The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405—471 are hereby incorporated. Compliance with National Categorical Pretreatment Standards is mandatory.
- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in the wastewater, the superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
 - (2) When wastewater subject to a categorical pretreatment standards is mixed with wastewater not regulated by the same standard, the superintendent shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
 - (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
 - (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- (d) *State pretreatment standards.* Any state pretreatment standards which are more stringent than National Categorical Pretreatment Standards or local limits are hereby incorporated. Compliance with state pretreatment standards is mandatory.
- (e) *Right of revision.* The village reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the wastewater facilities.

Sec. 25-104. - Accidental discharges.

- (a) Each discharge shall provide protection from an accidental discharge of prohibited materials, regulated materials or any other substances regulated by this chapter. Where necessary, facilities to prevent an accidental discharge of the above mentioned materials shall be provided and maintained at the owner's or discharger's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the village for review, and shall be approved by the village before construction and operation of the facility. Review and village approval of such plans and operating procedures shall not relieve the discharger from the responsibility to modify the discharger's facility as necessary to meet all requirements of this chapter.
- (b) Dischargers shall notify the village immediately upon the occurrence of a slug load, accidental discharge, or deliberate discharge of substances prohibited or regulated by this chapter. Notification shall include location of discharge, date and time thereof, type of waste, concentrations and volume, and corrective actions to be taken.
- (c) The discharger shall be required to submit a written explanation of any slug loads or accidental or deliberate discharges to the village within five (5) working days after the first notification. Such written explanation shall include the cause of the discharge and the measures to be taken by the discharger to prevent similar future occurrences. Follow-up reports may be required by the village as needed.

Such report, or reports, shall not relieve the discharger of any expense, loss, or other liability which may be incurred as a result of damage to wastewater facilities, fish kills, or any other damage to person or property, nor shall such report relieve the discharger of any fines, civil penalties, or other liability which may be imposed by this ordinance or otherwise.

- (d) Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the village, result in the revocation of the discharger's wastewater discharge permit.
- (e) Signs shall be permanently posted in conspicuous places advising employees who to call in the event of an accidental spill of prohibited materials. In lieu of using signs, dischargers may use an alternate method for training employees in the procedures of reporting of accidental discharges. Such alternative methods shall be approved by the village.
- (f) In addition to the remedies available to the village set forth elsewhere in this chapter, if the village is fined by the IEPA or USEPA for violation of the village's NPDES permit or violation of Water Quality Standards as the result of an industrial spill or intentional slug discharge of a compatible or incompatible pollutant, the fine, including all village legal, sampling, analytical testing costs, and any other related costs shall be charged to the responsible industry. Such charge may be in addition to, and not in lieu of, any other remedies the village may have under these ordinances, statutes, and regulations.

Sec. 25-105. - Pretreatment.

- (a) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics enumerated in section 25-102, 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 director 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 director 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.
 - (4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges.
- (b) If the director 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 director, and subject to the requirements of all applicable codes, ordinances, and laws.
- (c) No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the sole purpose of diluting a discharge as a partial or complete substitute for adequate treatment in order to achieve compliance with the standards set forth in this chapter unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitation on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Sec. 25-106. - Grease, oil and sand traps.

All establishments involved in the preparation of food for commercial purposes shall provide grease interceptors or traps.

- (1) Grease, oil and sand interceptors or traps shall be provided at the cost of the owner when required by the village for the proper handling of liquid wastes containing grease in excessive

amounts, sand and other harmful ingredients, except that such interceptors or traps will not be required for residential dwelling units.

- (2) All interceptors or traps shall be of a type and capacity approved by the building commissioner and the Illinois Department of Public Health; all such devices shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme conditions in temperatures and shall be of substantial construction, gas tight, watertight and equipped with easily removable covers.
- (3) All grease, oil and sand interceptors or traps shall be serviced and emptied at the cost of the owner on a continuous basis to maintain their minimum design capacity and the continuous efficient operation at all times. No waste removed from the interceptors or traps shall be reintroduced into the sanitary sewer or back into the interceptor or trap, which will cause the interceptors or traps discharge to exceed sewer use ordinance limits. The owner shall be responsible for the legally appropriate sanitary disposal of such waste.
- (4) The owner shall maintain written records of interceptor or trap maintenance and emptying interceptors and traps for the prior three years, or less, if the device is less than three years old. Said records shall be made available upon request by the building commissioner or his designee.
- (5) Approval of proposed facilities or equipment by the village building division, does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer, nor shall it relieve any person, firm or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.
- (6) Grease, oil and sand interceptors or traps that service commercial food preparation establishments shall be inspected by village staff for evidence of excessive accumulations of fats, oils and grease as part of an annual trap inspection program or a special inspection in response to an indentified concern of grease buildup in the village's receiving sanitary sewer line.
- (7) In the event that a code violation is found with a particular grease, oil and sand interceptor or trap for a commercial food preparation establishment, the plumbing inspector, or designee, shall immediately pursue compliance in accordance with the village's property maintenance code, policies, protocols and ordinances:
 - a. Prepare and issue to the owner of the commercial food preparation establishment (owner) an inspection report listing the violation(s) along with the standard fats, oils and grease (FOG) program violation letter.
 - b. Request immediate action of the owner to correct the listed violation(s) that threaten the safety, health and welfare of the public.
 - c. For any violation(s) that threaten the immediate safety, health and welfare of the public, the commercial food preparation establishment is subject to being closed until said violation(s) are corrected.
 - d. For violation(s) that do not pose an immediate threat to the safety, health and welfare of the public, the village will request a compliance schedule to correct these violation(s). The compliance schedule must be provided by the owner within one (1) week's time from the issuance of the inspection report and include all anticipated dates for submission of permit application, permit review, permit issuance, start work and complete work to correct the violation(s). All violation(s) will need to be corrected within ninety (90) calendar days after the issuance of the inspection report. The compliance schedule must also be approved by the village.
 - e. The owner must also provide copies of all service records for the grease, oil and sand interceptors or traps for the past year within ten (10) days after the issuance of the inspection report.

- (8) If the owner fails to provide the compliance schedule within one (1) week of the issuance of the inspection report, the director of public works, or designee, will send the owner a follow-up FOG program violation letter and request the compliance schedule within one (1) week from the issuance of said follow-up violation letter.
- (9) If the owner is nonresponsive to the initial and follow-up violations letters, the building commissioner will issue a code violation notice (notice), which will be served to the owner via certified mail and again request the compliance schedule within one (1) week from the issuance of the notice.
 - a. Bi-weekly inspections on an as-needed basis will then be conducted by the plumbing inspector to ensure compliance to correct the violation(s).
 - b. If compliance is not met by the owner, proceedings to immediately close the commercial food preparation establishment will be pursued with the village administrator until such time the violation(s) are corrected by the owner.

Sec. 25-107. - Maintenance of pretreatment facilities.

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

Sec. 25-108. - Control manholes.

All industrial users shall be required to install a control manhole to facilitate observation, sampling and measurement of wastes. When required by the director, the industrial user shall also install such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The control manhole, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director. 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.

Sec. 25-109. - Tests and measurements.

- (a) All industrial users shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this article and any special conditions established by the village or regulatory agencies having jurisdiction over the discharge.
- (b) The number, type and frequency of laboratory analyses to be performed by industrial user shall be as stipulated by the village, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to ensure that compliance with the federal, state, and local standards are being met. The industrial user shall report the results of measurements and laboratory analyses to the village at such times and in such manner as prescribed by the village. The industrial user shall bear the expense of all measurements, analyses, and reporting required by the village. At such times as deemed necessary, the village reserves the right to take measurements and samples for analyses at the expense of the discharger.
- (c) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined from samples taken at the control manhole provided. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The

particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

Sec. 25-110. - Sampling and analysis.

Upon written request by the director, each and every industrial user shall obtain a sample from their control manhole, as described in section 25-108, subsection (c) at least once yearly. Any industry with a billable flow greater than fifty thousand (50,000) gallons per day shall obtain a grab sample of its wastewater at least once monthly. Samples shall be obtained and analyzed at the industry's expense for BOD, suspended solids, and any other pollutants requested by the village. Within thirty (30) days of the written request each and every industry shall report the following for its waste: BOD, suspended solids, and any other pollutants requested by the. If the director does not receive notification of analysis results within thirty (30) days of the written request, he shall declare that industry in noncompliance with this section and the director shall sample and analyze each industry in noncompliance with this section and bill that industry in accordance with ordinance. Industries with wastes classified by the director as having special problems shall, if directed by the village, install, at the industry's own cost, sampling devices as required by the director in a structure located on the building service line, to obtain additional information about the waste.

ARTICLE IV. - RATES AND CHARGES

Sec. 25-125. - Exceptions; special agreements.

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village for treatment, subject to payment therefor by the industrial concern, provided such payments are in accordance with federal and state guidelines.

DIVISION I. WATER RATES AND CHARGES

Sec. 25-126. - Water connection and tap-in charges.

- (a) Subject to such applicable exception and/or qualification as may hereinafter be provided, connection and tap-in charges shall be as established by the annual fee ordinance. Each application for a permit to connect a service pipe with any village water supply pipe must be accompanied by a fee payment in the amount established by the annual fee ordinance to cover such charges. The connection and tap-in charges described in this section do not include the fees for meters and accessories required by section 25-14.
- (b) Where the water service connection serves only an automatic fire suppression sprinkler system or other firefighting system, no water supply connection charge shall be made pursuant to such water service connection. Where the water service connection serves an automatic sprinkler or other firefighting system as well as other uses, and the firefighting system is served exclusively by a branch connecting to the water service connection at a point close to the village water supply pipe

than any other water use connection, the size of the water service connection beyond the firefighting branch connection shall determine the amount of the connection charge.

- (c) The connection charge shall be for contributing toward that proportionate part of the overall cost of the existing municipal water system (not including the cost of area line installations to be recouped under recapture ordinances) heretofore paid by the patrons of the system prior to such connection. The tap-in charge for service connections up to and including two (2) inches in size is to cover the cost of the labor and materials such as the corporation valve, service saddle, curb stop valve, service box furnished by the village in making a connection. The property owner shall furnish all labor and materials needed for the installation of the service line and for all excavation work required in connection therewith and needed to enable the making of the connection by the village tapper. The tap-in charge for service connections exceeding two (2) inches in size shall be to cover the cost of inspection by the village of each tap-in connection made by the property owner, for which the property owner shall furnish all labor and materials needed for such tap-in connection. All digging, covering and installation work shall be under the direction and subject to the approval of the director. If the tap for connection to the village water supply pipe shall already have been made under previous village approval, such as by a developer in anticipation of future lot connections, then the fee payment shall be limited to the amount of the respective connection charge.

Sec. 25-127. - Water service charges.

- (a) Water service charges shall be as established by the annual fee ordinance.
- (b) If the amount payable by any user for any two-month period, as computed pursuant to the foregoing schedule, is not paid on or before the twenty-first day of the calendar month immediately succeeding the month during which such two-month period ends, then the amount payable for that two-month period shall be increased by adding to the amount computed as hereinbefore mentioned, a sum in the amount established by the annual fee ordinance.
- (c) Those persons who have attained the age of sixty-five (65) or those persons who can establish that they are qualified for social security because of a physical handicap, and who either own and occupy or lease and occupy a dwelling unit for which they are liable for payment of the water bill shall be entitled to a discount in the amount established by the annual fee ordinance off each bill rendered for each two-month billing period.
- (d) In order that the work of reading meters and billing for water used may be distributed as evenly as practicable through the year, the village director of finance is hereby authorized and empowered to assign different two-month periods to different water users (which may end on different days during a calendar month depending upon the dates of the reading of the meters respectively) and to make such assignments in such a way as to provide for the starting of the two-month periods of approximately one-half of all the water users of the village waterworks system in each month of each year. In making adjustments to effectuate the purpose of the foregoing provisions, the village director of finance may bill any user for a shorter or longer period than a two-month period, but any such billing for such shorter or longer period shall be proportionate to the two-month period rates set forth in this section.
- (e) It shall be the duty of the village director of finance to deliver to each water user addressed to such user at the address where the water is supplied or at such other address as the user may, by notice in writing filed with the village, designate) for each two-month period, within ten (10) days after the expiration of the calendar month during which such two-month period ends, a bill for the water used by such user during such two-month period.
- (f) Where use of public hydrants is permitted pursuant to section 25-9, water service charges for such use shall be as established in the annual fee ordinance.

DIVISION II. SANITARY SEWER RATES AND CHARGES.

Sec. 25-128. - Sewer connection charges.

- (a) For nonresidential property, the amount of the charge for connecting to the village sewerage system shall be as established by the annual fee ordinance.
 - (1) Where the new sewer service connection replaces a connection that had previously served the property, and no change is made in the size of the water service connection, no connection charge shall be made for restoring the sewer service connection.
 - (2) When a larger water service connection subsequently replaces the existing water service connection an additional sewer connection payment shall be made in an amount equal to the difference between the sewer connection charges set forth by the annual fee ordinance for the respective sizes of the new and the previous water service connections.
 - (3) Where the water service connection serves only an automatic sprinkler system or other firefighting system, no sanitary sewer connection charge shall be made pursuant to such water service connection. Where the water service connection serves an automatic sprinkler or other firefighting system as well as other uses, and the firefighting system is served exclusively by a branch connecting to the water service connection at a point closer to the village water supply pipe than any other water use connection, the size of the water service connection beyond the firefighting branch connection shall determine the amount of the sanitary sewer connection charge.
- (b) For residential property, the charge for connecting to the village sewerage system shall be as established by the annual fee ordinance. Where the new sewer service connection replaces a connection that had previously served the property, and no change is made in the number of dwelling units served by the sewer connection, no connection charge shall be made for restoring the sewer service connection. When additional dwelling units are created on a property already connected to the village sewerage system, a separate payment in the amount established by the annual fee ordinance shall be made for each such additional dwelling unit, at the time of applying for a building permit for the creation of the additional dwelling unit.
- (c) All connections to the village sewerage system shall be made by the owner of the property served thereby, at the owner's expense. All excavation and installation work for sewer connections shall be subject to inspection by the village and shall comply with the standards of the village.

Sec. 25-129. - Sewer service charges.

Users of the sewerage system who are consumers of water furnished by the village on the meter system shall pay for the use of the sewerage system the rates based on water consumption as established by the annual fee ordinance; provided, however, that as to residential property:

- (1) The amount payable for each residential unit for each two-month period for which billings are rendered on each July 31 and September 30, shall be based on water consumed during the two-month period, but not in excess of one hundred ten (110) percent of the average amount of water used during each of the billing periods for January 31, March 31 and May 31; and
- (2) The amount payable for each residential unit for each of the two (2) months for which billings are rendered on each August 31 and October 31, shall be based on water consumed during the two-month period but not in excess of one hundred ten (110) percent of the average amount of water used during each of the billing periods for February 28, April 30 and June 30; in the case of a new customer, the average bill shall be based on one (1) or two (2) billing periods or, where no average billing is available, the average use shall be assumed to be fifteen thousand (15,000) gallons for two (2) months); provided further, however, that as to users who may

receive service on property situated within that part of the corporate limits of the village south of the right-of-way of the Elgin, Joliet and Eastern Railroad, the rates shall be as established by the annual fee ordinance, it being expressly understood that sewage from property in this latter area will not be treated in the Libertyville sewage treatment plant, such as is occurring for other parts of the corporate limits of the village, and that the charges for users in the area south of such railroad right-of-way will be for transportation of sewage to the treatment plant that will provide treatment service for such later users, namely, the Mundelein sewage treatment plant, and that the charges shall be in addition to such charges as will be payable for such treatment.

Sec. 25-130. - Discount for senior citizens.

Those persons who have attained the age of sixty-five (65) and who either own and occupy or lease and occupy a dwelling unit for which they are liable for payment of the sewer bill shall be entitled to a discount in the amount established by the annual fee ordinance off each bill rendered for each two-month billing period.

DIVISION III. STORMWATER SYSTEM RATES AND CHARGES.

Sec. 25-131. Legislative findings; policy and purpose.

(a) Legislative findings. The Village Board of Trustees finds:

- (1) That all real property in the Village contributes to runoff and either uses or benefits from the maintenance of the stormwater system;
- (2) That, in order to provide an effective and long-term approach to stormwater management within the Village, it is necessary to provide an adequate and stable revenue stream for the construction, maintenance, operation and improvement of the Village stormwater system; and
- (3) That it is in the best interests of the health, safety and general welfare of the Village, its residents and property owners, that the Village stormwater system be operated as part of the combined utility and funded through utility fees.

(b) Statement of policy.

- (1) It is the policy of the Village to provide a dedicated funding source for the construction, maintenance, operation and improvement of the stormwater system in the Village, so that the Village is able to proactively manage stormwater for the benefit of all residents and owners of real property within the Village.
- (2) It is the policy of the Village that, except as provided in this chapter, the owner or owners of any real property in the Village that uses or benefits from the Village's stormwater system be charged a stormwater utility fee, whether or not the owner or parcel is exempt from taxation.

(c) Purpose. The purpose of this Division III to protect the public health, safety and welfare of the residents of the Village from damage to property and local waterways from stormwater runoff

and floods, through the construction and operation of flood reduction and control facilities, and through water quality management and floodplain management. It is also the purpose of this chapter to provide an effective and long-term approach to stormwater management within the Village by identifying and providing an adequate and stable funding source for stormwater management.

Sec. 25-132. Rules and regulations.

The Village Administrator may adopt such rules as may be necessary to give effect to and explain the provisions of this Division III. The Director may make recommendations to the Village Administrator regarding the content of the rules and regulations and shall enforce the rules and regulations once they are adopted.

Sec. 25-133. Charges for Stormwater System Service.

- (a) Establishing Rates and Fees. Effective September 1, 2021, the owner of any parcel that uses, benefits from, or connects to the stormwater system will be charged for such service in accordance with the rates, fees, and charges established from time to time by resolution of the Village Board of Trustees.
- (b) Basis for Rates and Fees. The stormwater utility fee will be based on the extent to which each parcel creates a need for stormwater management; the amount of impervious area on each parcel; and the cost of operating, maintaining, and improving the stormwater system.

Sec. 25-134. Stormwater Utility Fee.

- (a) Fee Imposed. A stormwater utility fee is hereby imposed on the owner of property in the Village. The stormwater utility fee consists of the sum of the following:
 - (1) Base Fee. The Base Fee is the amount to be charged each month pursuant to the formula set forth in Section 25-134(b) of this Code in order to produce the amount of principal and interest on any outstanding stormwater system debt that is due and payable during the fiscal year for which the Base Fee is calculated.
 - (2) Such other rates, fees and charges that the Village Board of Trustees determines are necessary to recover all costs related to operating, maintaining, and improving the stormwater system.
- (b) The Base Fee for all parcels in the Village will equal the measured number of ERUs on the parcel, rounded to the nearest 10th of an ERU, multiplied by the then current rate, as established pursuant to Sec. 25-133 of this Code, plus the parcel's IDF by the current rate. The formula is illustrated as follows:

$$\text{Parcel Fee} = (\text{ERU} \times \text{Current Rate } \$) + (\text{IDF} \times \text{Current Rate } \$)$$

For premises comprised of multiple parcels with multiple Property Index Numbers (PINs), the fee will equal the sum of the Parcel Fee for each parcel.

- (c) Exception. Parcels with an ERU of less than 0.10 or less than 380 square feet of impervious area.
- (d) Fee Resolution. The stormwater utility fee rate will be set by resolution as provided in Sec. 25-133 of this Chapter.

Sec. 25-135. Billing Procedures.

The Finance Department shall issue all bills for stormwater utility fees.

- (a) For users of the stormwater system that have an existing utility account with the Village, the Finance Department may include the stormwater utility fee on the same statement issued for such other utility service.
- (b) The Finance Department may issue a separate bill to the owner of any parcel that does not have an existing utility account with the Village. If the owner of such parcel has not provided the Finance Department with a billing address, then the Finance Department may mail the stormwater utility bill to the same person who receives property tax bills for that parcel.

Sec. 25-136. Requests for adjustments of the stormwater utility fee.

- (a) The owner of a parcel, or the owner's authorized agent, may request correction of the stormwater utility fee by submitting a written request to the Village Director of Finance, or the Director's designee, on or before the date payment is due. The owner of the parcel is solely responsible for initiating any review of the amounts of the stormwater utility fee. A request for an adjustment may only be filed if one or more of the following grounds are present:
 - (1) Errors in the square footage of the impervious surface area of the property;
 - (2) Mathematical errors in calculating the fee to be applied to the property;
 - (3) Errors in the identification of the owner or address of a parcel subject to the fee; or
 - (4) There are unique features of, or unique circumstances affecting, the property, such that the amount of the stormwater utility fee does not approximately reflect the impact of the property on the Village stormwater system. In order to receive an adjustment under this Section 25-136(a)(4), the unique features or circumstances must not be generally applicable or present to other properties in the Village.
- (b) The Director of Finance must make a written determination within 30 days after receipt of the property owner's completed written request for correction of the fee. If the Director of Finance denies the request, in whole or in part, the property owner may appeal that denial to the Village Administrator by submitting a written appeal within 15 days after receipt of the written denial from the Director of Finance. The Village Administrator must either grant or deny the appeal, in whole or in part, and in writing, within 30 days after receipt of the written appeal. For requests filed pursuant to Sections 25-136(a)(1) through 25-136(a)(3) of this Code, the Village Administrator's decision on the appeal shall be final. For requests filed pursuant to Section 25-136(a)(4) of this Code, if the Village Administrator does not fully grant the appeal, the property owner may appeal that decision to the Village Board of Trustees by submitting a written appeal within 15 days after receipt of the written decision of the Village Administrator. The Village Board of Trustees will then consider the appeal at a regular meeting and may either grant, deny, or remand the subject of the appeal back to the Finance Director for further consideration.
- (c) Any owner of a parcel who submits a request for correction of a fee shall comply with all rules and procedures adopted by the Village and must provide all information necessary for the Director of Finance to make a determination on the request for correction of the fee. Failure to comply with the provisions of this subsection shall be grounds for denial of the request.
- (d) If an adjustment or correction is approved by the Village, the adjustment will be incorporated into the stormwater utility fee calculation for the specified parcel and will apply to the next regularly generated bill.

Section 25-137. Stormwater Sewer Enterprise fund.

- (a) Revenues. All revenues from the stormwater utility fee shall be deposited in the stormwater sewer enterprise fund and shall be used solely for the operation, maintenance, expansion and rehabilitation of the stormwater infrastructure as deemed appropriate by the Village Board of Trustees.
- (b) Financial records. The Finance Director shall maintain and report on the financial records of the stormwater utility in accordance with generally accepted government accounting principles.

Section 25-138. Impervious area database.

The impervious area for all parcels in the Village is established by the Village. The Village shall maintain an impervious area database for all parcels within the Village which will serve as the basis for determination of the number of ERUs and IDFs associated with each parcel. The database will be based on available information, including geographic information systems analysis, aerial photographs, mapping information, site examination and other available information, and will be periodically updated based on available information.

Section 25-139. Exemptions from stormwater utility fee.

Dedicated public rights-of-way, such as roadways, sidewalks and alleys, shall not be subject to the stormwater utility fee.

Section 25-140. Credits.

- (a) Direct Discharge Credit. Owners of properties that discharge all stormwater runoff directly into adjacent public waterway are eligible for a direct discharge credit of 50-percent of the stormwater fee.
- (b) Sampling Credit. Owners of properties that discharge all stormwater runoff outside the receiving waters sampled by the Village in accordance with Illinois Environmental Protection Agency and NPDES Stormwater Permit requirements are eligible for a sampling credit of 50-percent of the stormwater fee.
- (c) Applications for one or more of the credits set forth in this section shall be filed in writing with the Village Director of Public Works or the Director's designee, along with documentation required by the Rules and Regulations of the Village of Libertyville Stormwater System for the assessment of the application, which documentation shall include, but not be limited to:
 - (1) Topographical depictions of the runoff patterns and directions of all stormwater emanating from the relevant property that does not impact the Village stormwater system; and
 - (2) Relevant photographic evidence in support of the application.
- (d) The Director of Public Works shall review a credit application filed pursuant to this section, and shall either grant or deny the requested credit or credits, within 60 days after the date on which the application is received. The Director shall only grant the requested credit or credits upon determining, in the exercise of the Director's professional judgment that the applicant meets the criteria for the credit, as defined in this section of this Code. If the Director of Public Works denies the request, in whole or in part, the property owner may appeal that denial to the Village Administrator by submitting a written appeal within 15 days after receipt of the written denial from the Director of Public Works. The Village Administrator's must either grant or deny the appeal, in whole or in part, and in writing, within 30 days after receipt of the written appeal. If the Village Administrator does not fully grant the appeal, the property owner

- may appeal that decision to the Village Board of Trustees by submitting a written appeal within 15 days after receipt of the written decision of the Village Administrator. The Village Board of Trustees will then consider the appeal at a regular meeting and may either grant, deny, or remand the subject of the appeal back to the Director of Public Works for further consideration.
- (e) A stormwater utility fee credit granted under this section shall remain in effect for 5 years from the date of approval, provided the property owner submits annual documentation to demonstrate the property remains eligible for the applicable credit. The owner of the property may apply for renewal of the credits for successive 5-year periods, subject to meeting all of the applicable conditions then in effect. The approval of a stormwater utility fee credit shall not create a property right to renew or be granted a credit upon the expiration of the credit's 5-year term.
 - (f) Application of credits; refund of overpayments. The Finance Director will apply approved credits to the applicant's account, and will refund to the applicant any overpayments made from the date of the application. If the amount overpaid is less than the full amount of the customer's bill, the refund will be in the form of a credit against the customer's next bill. If the amount overpaid equals or exceeds the full amount of the customer's prior bill, then the overpayment will be refunded directly to the customer within 30 days after the date the credit is approved.

DIVISION IV. ENFORCEMENT.

Sec. 25-141 Application of payments.

If the customer receives a combined utility bill that includes a combination of stormwater utility fees, sanitary sewer fees, and water consumption fees, and the customer does not pay the total amount due on the statement, the payment will be applied first to the stormwater utility fees, then to the sanitary sewer fees, and then to the water consumption fees.

Sec. 25-142. Liability for payment.

The owner of the premises, the occupant thereof and the user of the water, sanitary sewer, and stormwater system service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the village.

Sec. 25-143. - Penalty for nonpayment.

If the amount payable by any user for any two-month period is not paid on or before the twenty-first day of the calendar month immediately succeeding the month during which the two-month period ends, the amount payable for that two-month period shall be increased by adding to the amount computed as hereinbefore mentioned, a sum in the amount established by the annual fee ordinance.

Sec. 25-144. - Interruption of service.

If the charges for services rendered under this article are not paid within twenty-one (21) days after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

Sec. 25-145. - Lien; notice of delinquency.

- (a) Wherever a bill for sewer or stormwater system service remains unpaid for thirty (30) days after it has been rendered, the village treasurer shall file with the county recorder of deeds a statement of lien claim. This statement shall contain the legal description of the premises serviced, the amount of the unpaid bill, and a notice that the village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.
- (b) If the user whose bill is unpaid is not the owner of the premises and the village treasurer has notice of this, notice shall be mailed to the owner of the premises if his address is known to the treasurer, whenever such bill remains unpaid for the period of forty-five (45) days after it has been rendered.
- (c) The failure of the village 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.

Sec. 25-146. - Foreclosure of lien.

Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the village. The village attorney is hereby authorized and directed to institute such proceedings in the name of the village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid for forty-five (45) days after it has been rendered.