

# CHAPTER 5

## WATER

### SECTION A - RATES AND CHARGES

.01 That there shall be and there are hereby established rates or charges per monthly period beginning May 20, 2017 to be rendered on June 15, 2017 for the use of and for the service supplied by the waterworks system of the City of Fairbury, Livingston County, Illinois, as shown by the water meters, as follows: (2017-8)

- A. Within the Corporate Limits: For each user of water service within the corporate limits of the City of Fairbury, the current minimum charge shall be increased by 2% or CPI, whichever is greater, for each subsequent fiscal year starting with the first full billing period after May 1<sup>st</sup> each year, per monthly billing period to all users whose water consumption does not exceed 1,250 gallons per billing period. The CPI rate to be used is the "Consumer Price index for All Urban Consumers for all items" as published by the United States Department of Labor, which is also used by Livingston County for the Property Tax Extension Limitation Law (PTELL). In addition, the current charge per 1,000 gallons of water consumption metered in excess of 1,250 gallons shall be increased by 2% or CPI whichever is greater, for each succeeding fiscal year, per billing cycle. The charges shall be applied to operation and maintenance of the waterworks system, repayment of loans and interest and future replacement of equipment. In the event that the CPI is greater, the City Councils holds the right to increase any percent less than the full CPI but no less than 2%. (2022-3)
- B. Outside the Corporate Limits: Users of the waterworks system of the City of Fairbury whose premises are located outside of the corporate limits of the City shall be charged the rate established in paragraph (A) above plus 50% added to their bill based upon the service rendered. (2022-3)
- C. A fee of \$1.00 shall be charged each month for each water meter in service in the Fairbury water system whether said meter is located within or outside the city limits of the City of Fairbury. Said charge shall be added to each water bill when rendered.

.02 Said rates or charges for service shall be payable monthly. The owner of the premises shall be liable to pay for the service on such premises and the service is furnished to the premises by the City of Fairbury only upon the condition that the owner of the premises of the service is liable to the City of Fairbury. Services for each month shall be due and payable the 15<sup>th</sup> day of the following month. A penalty of 10% shall be added to all bills not paid by the due date. (2016-4A)

- (A) The City of Fairbury shall require a \$100.00 per meter non-refundable user fee from every owner of property. All bills shall be posted in the owner's name and payable by the owner. Whenever meter registration is transferred from owner to a new owner there shall be a \$100.00 non-refundable user fee from the new owner. Whenever meter registration is transferred from an owner, or their agent, the transfer shall be liable for at least the minimum billing for water, sewer, and garbage usage at the time in effect regardless of length of usage. (2006-8)
- (B) Trailer parks, condos, duplexes, triplexes, apartment buildings, and multi-housing, etc. shall be in compliance of .02-A and be required \$100.00 per meter non-refundable user fee for water and sewage and shall remain in the owner of the property's name. (2006-8)
- (C) Any time an owner requests a reading by the Water Department for their property, other than an ownership transfer, there shall be a minimum charge of \$25 as set forth by the Water Department. This charge will be reviewed yearly by the Water and Sewer Committee and may be adjusted. (2006-8)

- (D) All deposits as posted on or before September 1, 2006 shall remain in effect until the deposit is returned to tenant or property is sold, at which time a \$100.00 per meter non-refundable user fee shall be charged.
- (E) Existing services shall be grandfathered in as of the date of this ordinance change. Present owners shall not be required to pay a user fee as long as ownership is retained by this owner. (2006-8)
- (F) In the event the user fee is not paid within 10 days of closing of real estate transaction, utility services will be discontinued. (2006-8)

**.03** In the event the charges for service are not paid within thirty (30) days after rendition of the bill for such period of service, such charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquencies shall constitute liens upon the real estate for which such service is supplied, and the City Clerk is hereby authorized to proceed at any time with filing sworn statements showing such delinquencies in the office of the Recorder of Deeds of Livingston County, Illinois, and the filing of such statements in the pertinent offices shall be deemed notice for the payment of such charges for such service. (2021-15)

**.04** If the rates or charges for such services are not paid within thirty (30) days as hereinabove mentioned after the rendition of the bill for such services, such services shall be charged a penalty fee of \$25 and services shall be subject to disconnect without further notice. If services have been disconnected, they will not be reinstated until all past due bills including the penalty fee thereon are paid in full. (2021-9)

**.05** It is hereby made the duty of the City Clerk of the City of Fairbury to render bills for service and for all rates and charges in connection therewith and to collect all moneys due thereon.

**.06** All revenues and moneys derived from the operation of the waterworks system shall be held by the City Clerk separate and apart from his private funds and separate and apart from all other funds of the City, and all of said sum, without any deductions whatever, shall be delivered to the City Treasurer not more than ten (10) days after receipt of same, or at such more frequent intervals as may from time to time be directed by the City Council.

**.07** The City Clerk shall receive all such revenues from the waterworks system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in a separate fund designated as the "Waterworks Fund of the City of Fairbury", and said Clerk shall administer such fund in every respect in the manner provided by law.

**.08** The City Clerk shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the waterworks system, and at regular intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the waterworks system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. The financial information to be shown in the audit report shall include the following: (1998-20)

- a. Flow data showing total gallons received at the water plant for the current fiscal year. (1998-20)
- b. Billing data to show total number of gallons billed per fiscal year. (1998-20)
- c. Debt service for the next succeeding fiscal year. (1998-20)
- d. Number of users connected to the system. (1998-20)
- e. Number of non-metered users. (1998-20)

**.09 FORECLOSURE OF LIEN:**

Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deduction costs, as is the case in the foreclosure of

statutory liens. Such foreclosure shall be in the name of the City. The City attorney is hereby authorized and directed to institute such proceedings in the name of the City in any court having jurisdiction over such matters against any property for which the bill has remained uncollected as directed by the Mayor. (2019-1).

**.10** All ordinances and parts of ordinance in conflict herewith are hereby repealed insofar as the conflicting portions thereof are concerned.

**.11** New water and sewer charges may be, from time to time, enacted by the approval of a majority of the City Council. The adequacy of the water service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the City of Fairbury in their annual audit report. The water service charge shall be revised periodically to reflect a change in local capital costs or operation, maintenance and replacement costs. (1998-20)

**.12 COLLECTIONS:**

In the event charges for service are not paid within thirty (30) days past delinquent, the City is entitled to utilize the procurement of the delinquent charges through the services of a Debt Collection Agency. The City Clerk shall place a lien on the property for uncollected charges on the forty-sixth day past the collection end date. (2019-1)

**.13 ABEYANCE OF CHARGES**

In the event water services have been disconnected for a City customer with an outstanding balance for water services, ongoing water charges for usage at the disconnected property will be held in abeyance until resumption of water service with an exception of the monthly meter charge. The monthly meter charge will continue to be charged to the customer unless said meter has been removed from the delinquent property at the authorization of the Water Superintendent or City Superintendent. (2021-15)

**.14 IRRIGATION METER**

If a residence or business purchases and installs an additional water meter on their property for the sole purpose of irrigation for the property, no sewer charges will be associated with the water usage for said water meter. (2022-5)

## **SECTION B - METERS, INSTALLATION, TAPPING AND CROSS-CONNECTIONS**

**.01** Every application for water supply shall express that the same is taken subject to all rules and regulations then in force or that may thereafter be adopted for the government of the waterworks. Any person who shall willfully violate any or either of the foregoing rules and regulations or refuse or neglect to comply with any of the terms thereof shall be subject to disconnection and civil fine of \$500.00.

**.02** The Water Department reserves the right at any time to enter any premises supplied with City water or sewer services. In the event that an owner or occupant or their agent refuses to permit entry for purposes of reading, exchanging or disconnecting water meters, the premises will be disconnected from City water and sewer services and the owner, occupant or their agent shall be jointly and severally liable for the fair value of the water meter and a civil penalty as provided above.

**.03** Where the accuracy of record of a water meter is questioned it shall be removed at the consumer's request, and if so desired shall be tested in his presence, in the shops of the Water Department, by means of the apparatus there provided and a report thereof duly made. Both parties to the test must accept the finding so made. If the test discloses an error against the consumer of more than five percent (5%) in the meter's registry, the excess of the consumption on the current monthly's bill shall be adjusted and entire expense of the test will be borne by the Water Department, and the deposit required, as hereinafter prescribed, shall be returned. On the other hand, where no such error is found, the person who has requested the test shall pay the charges fixed for said test.

**.04** Before making a test of any meter the person requesting such test shall, at time of making application for test, make a deposit at office of said Water Department, of the amount charged for such test, subject to the conditions herein stated, which charges are determined by the Superintendent of Water Works from time to time, subject to the approval of the Water Works Committee.

**.05** No meter shall be removed or in any way disturbed, nor the seal broken, except in the presence of, or under the direction of the Superintendent of Public Works.

**.06** Abandoned lines will be excavated and turned off at main corporate stop and disconnected under supervision of the Superintendent of Public Works.

**.07** Water Tap - No person, company or corporation shall be permitted to tap or make any connection with the distributing pipes of the City of Fairbury unless duly authorized by the Superintendent of Public Works.

**.08** In all cases, the Superintendent of Public Works shall tap or supervise the tapping and installation of corporate stop at the main and shall supervise the placement of the water line to the curb stop, which shall be placed at the sidewalk or six feet from the street line, when there will be a stop box or gain cut off box attached. All applicants shall pay the actual cost of materials used to the City Clerk.

**.09** Material used for service connection from the corporate stop to a meter valve must, in all cases, conform to such standards that the City Engineer may have prescribed.

**.10** All 5/8" x 1/2" meters shall be maintained and repaired by the Water Department when rendered unserviceable through fair wear and tear, provided, however, that where replacements, repairs, or adjustments of any meters are rendered necessary by the act, neglect, or carelessness of the owner or occupant of any premises, or where meters are damaged by freezing, hot water, etc., any expense caused by the owner or occupant shall be charged against and be collected from the owner of said premises. (2018-23)

**.11** All repairs for service lines and plumbing systems of buildings, residences, or other private premises shall be the responsibility of either the Owner or the City in accordance with the following with the

expense to be borne by responsible party: (2020-12)

- A.** For Owners with outside water meters, the City shall be responsible for repairs from the City water main up to and including outside water meters, not to include the customer service water line and service water line connection (fitting) to the meter. (2020-12)
- B.** For Owners with outside water meters, the Owner shall be responsible for all repairs beyond the outside water meter, to include the customer service water line connection (fitting) at the meter. (2020-12)
- C.** For customers with inside water meters, the City shall be responsible for repairs from the City water main up to and including the curb stop, not to include the customer service water line and service water line connection (fitting) to the curb stop. The Owner shall be responsible for all repairs beyond the curb stop, to include the customer service water line connection (fitting) at the curb stop. (2020-12)

The cost of any work on the City pipe and/or appurtenances made necessary by the intentional acts or gross negligence of a property owner or occupant or tenant on property, shall be charged to the property owner. (2020-12)

In the event of a complaint regarding a leak on a building water connection, the City will as soon as reasonably possible determine if the leak is on any portion owned by the City as described in Chapter 5, Section B .11 in which case the leak will then be repaired by the City and at the City expense. If it is found that the leak is not the City's responsibility, the Owner shall be given notice to repair it within 72 hours. If the Owner fails to do so, the City may repair any service pipes, and if this is done the cost of such repair work shall be repaid to the City by the Owner of the premises served. (2020-12)

**.12** All City water used on any premises, wheresoever situated in said City of Fairbury, must pass through a water meter. No bypass or connection between the meter and water main shall be made, allowed, or maintained.

**.13** No person except a representative of the Water Department shall turn on the City water supply to any premises from which the said supply has been turned off on account of non-payment of water rents or rates or for any other purpose whatsoever.

**.14** Failure to receive notice of rents or rates will not be a valid excuse for failure to pay rents or rates when due.

**.15** No deduction shall be made on account of leakage after the water has passed through and been registered by meter.

**.16** If any meter, at any time, fails to register the quantity of water consumed the same shall be determined and charges made based on the average quantity registered during the billing period prior to the date of failure.

**.17** All meters must at all times be kept accessible to the Water Department for examination, inspection or reading. All mobile home courts or apartment complexes with more than one meter will number all meter pits and maintain the visibility of said number.

**.18** The City of Fairbury will notify consumers at any time it becomes necessary to shut off the City water supply, but, in case of emergency, the City reserves the right at any time, without notice, to shut off the water supply for repairs, extensions, non-payment of rents or rates or any other reason, and the City shall not be responsible for any damage, such as bursting of boilers, supplied by direct pressure, the breaking of any pipes or fixtures, stoppages or interruptions of water supply, or any other damage resulting from the shutting off of the City water supply.

**.19** All primary metered services must be provided with separate cut-off boxes in the street. No additional cut-offs will be made on any water services supplying any premises.

**.20** All services now in or that may hereafter be installed shall be provided with water meters of 5/8" x 1/2" size, to be furnished and installed by the Water Department, under direction of the Superintendent. Services requiring larger than 5/8" x 1/2" shall be at the owner's expense.

**.21** No person, company, or corporation shall be permitted to cause a connection to be made, or allow one to exist, with city water supply for commercial, domestic, sanitary, fire protection or boiler-feed purposes, or for any other purpose whatsoever, where water foreign to the city water supply is used for a second source of supply.

**.22** Whoever shall in any manner obstruct the access to any stop cock, hydrant or valves connected with any water pipes within any street, alley or consumer of said City by means of any lumber, brick, building materials or other articles, things or hindrance whatever, shall be subject to a civil fine equal to the cost of each obstruction.

**.23** Any person who shall lay any service pipes or introduce into or about any building or on any grounds any water pipes or do any plumbing works in any building or on any grounds for the purpose of connecting such pipes or plumbing with the pipes of the waterworks of the City or who shall make any addition to or alteration of any water pipe, stop cock, or other fixtures or apparatus for the supplying of any premises with water without approval to perform said work by the City of Fairbury, or without first having obtained a permit for doing such work from the City thereof shall be subject to a penalty.

**.24** All plastic mains and all service lines will have a tracer wire placed with them and protruding above ground for each connection by the City Waterworks.

**.25** It shall be the duty of all consumers of City water at any and all times to exercise due diligence to prevent waste of said water supply and to this end shall stop all leaks on their premises. The City water supply will be shut off from any and all premises until such violations of this rule are corrected.

**.25A RESTRICTIONS ON WATER USAGE.**

(a) The Superintendent of Waterworks may, after receiving approval of the water and sewer Committee of the City Council, place restrictions on water usage by consumers of water from the water system of the City of Fairbury in any of the following situations in which it appears that unlimited usage of water could be greater than the ability of the system to provide such water or there would be a situation in which the health or safety of water consumers could be affected: (1988-9)

1. Any time that the water tower is not in use because of repairs or painted. (1988-9)
2. Any time in which one or more wells is not in use because of repairs being made to such well. (1988-9)
3. Any time that the water systems is unable to retain pressure of 45 pounds per square inch in the system as measured at the City Water Plant. (1988-9)
4. Any time that the demand placed upon the water system requires the use of more than three wells to maintain a safe water level in the water system's clear well. (1988-9)
5. Any time that the water table in the water system's wells is ten feet or more below its highest level as recorded at the Water Plant or if it becomes necessary to throttle the valves in order to keep the well pumps from sucking in air. (1988-9)
6. In any event that there is a break in a water main or other malfunction that would affect the capacity of the water system to deliver water or which would affect the health quality of the water in the systems. (1988-9)
7. Any time that there is found in the water system a foreign substance which can affect the health quality of the water in the water system. (1988-9)

(b) If any one or more of the conditions in paragraph (a) above exists, the Superintendent of Waterworks may, after receiving approval of the Water and Sewer Committee of the City Council, place restrictions on water usage. Depending on the severity of the situation, weather conditions, and anticipated length of time that such condition may exist, the Superintendent of Waterworks may adopt

the restrictions of any of the following levels and may change the restriction level to a higher or lower level as conditions change. (1988-9)

Level 1: Water shall not be used from the water system for watering yards, gardens, and other open spaces, for watering shrubs or other plants, for the initial filling of swimming pools or for the washing of houses or other buildings, or for the washing of automobiles, trucks, motor homes and recreational vehicles, or any other vehicles by private individuals not at a commercial car washing establishment. Fertilizer and chemical plants will be limited to using water only for mixing with fertilizer and chemicals to be applied to farm ground. Water may be purchased for use outside the City limits of the City of Fairbury only for human and livestock consumption and hygiene and must be purchased at the City waterworks plant. (1988-9)

Level 2: In addition to all the restrictions in Level 1, water shall not be used for replacing water in a swimming pool previously filled and commercial car wash operation shall cease. (1988-9)

Level 3: In addition to the restrictions in Level 1 and Level 2, the Superintendent of Waterworks shall have the authority to establish hours of water usage and rationing the amount of water used. Such hours and rationing may be varied according to the type of water usage, and the amount of water necessary for such usage. (1988-9)

Level 4: In additional to all restrictions in Levels 1, 2, and 3, water may be used only for human consumption and hygiene and other uses of water shall be ceased. (1988-9)

- (c) In the event that any person, partnership, association, corporation, or any other entity, shall violate any of the restrictions in paragraph (b) above which are in effect at any time, then such violator shall be given a verbal warning to cease the specific violation and shall also at that time be informed of all restrictions then in effect. After such a verbal warning has been given, if the same person, partnership, association, corporation, or any other entity shall use water in violation of any restrictions then in effect, then such violation shall be punished by a fine of \$100.00. Any second and each subsequent violation of such restrictions, shall be punished by a fine of \$500.00 for each and every violation. If any person, partnership, association, corporation, or any other entity shall continue to commit violations of the water usage restrictions in effect, then the Superintendent of Public Works shall have the authority to either disconnect water service to that user completely or ration the amount of water permitted to that user. If any fine imposed hereunder is not paid in thirty days after issuance of a citation, then the Mayor or City Council may instruct the City Attorney to take such legal action as is necessary to collect said fine. (1988-9)
- (d) The Mayor, the Superintendent of Waterworks, or the Superintendent of Public Works, will have the authority to enforce the provisions of this Section .35A and to issue citations for violation of said Section. (1988-9)
- (e) If any person, partnership, association, corporation, or any other entity, has a well, cistern, or other water source not connected with the water system of the City of Fairbury, they must use the same for activities otherwise restricted by this Section .35A but it shall be the burden of such user to prove that the water is coming from a well or cistern, or other source not connected with the water system of the City of Fairbury. (1988-9)

**.26** That if water originating at a well is used by the property owner and then it is pumped in to sewerage system, the owner shall install, at this own expense, a meter approved by the superintendent of Public Works, which meter shall be available for inspection at any time by the Superintendent of Public Works or his agent. The owner shall pay fees for the use of such sewerage service as if the water had been supplied from city sources as opposed to a well. The owner shall, in addition, pay tap fee of \$25.00 and a deposit of \$40.00 to insure payment of any sewerage charges. Furthermore, any charges incurred by the owner for sewerage use shall be lien-able and foreclosure proceedings may be had thereon as in other cases under this chapter.

## **.27 DEFINITIONS.**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows: (1998-20)

- a. **Backflow** shall mean water of questionable quality, wastes or other contaminates entering a public water supply system due to a reversal of flow. (1998-20)
- b. **Cross-connection** shall mean a connection or arrangement of piping or appurtenance which a backflow could occur. (1998-20)
- c. **Safe air gap** shall mean the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a fixture, device or container to which public water is furnished which shall be at least two times the inside diameter of the water inlet pipe; but shall not be less than six inches. (1998-20)
- d. **Secondary water supply** shall mean a water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of the Statute relating thereto, or water from a public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility. (1998-20)
- e. **Submerged inlet** shall mean a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against backflow. (1998-20)
- f. **Water utility** shall mean the City of Fairbury Water Department. (1998-20)
- g. **Federal Act** means the Federal 1996 Safe Drinking Water Acts Amendments. (1998-20)
- h. **Administrator** means the Administrator of the U.S. Environmental Protection Agency. (1998-20)
- i. **State Act** means the Illinois Anti-Pollution Bond Act of 1970. (1998-20)
- j. **Director** means the Director of the Illinois Environmental Protection Agency. (1998-20)
- k. **State Loan** shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois. (1998-20)
- l. **Ordinance** means this ordinance. (1998-20)
- m. **City** means the City of Fairbury. (1998-20)
- n. **Approving Authority** means the Water and Sewer Committee of City Council of the City of Fairbury. (1998-20)
- o. **Person** shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity. (1998-20)
- p. Clarification of word usage: "**Shall**" is mandatory; "**may**" is permissible. (1998-20)
- q. Water and its characteristics: (1998-20)
  1. **ppm** shall mean parts per million by weight. (1998-20)
  2. **Milligrams per Liter** shall mean a unit of the concentration of water constituents. It is 0.01 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 equivalents, in reporting the results of water analysis. (1998-20)
  3. **pH** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods. (1998-20)
  4. **Curb Cock** shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called curb stop. (1998-20)
  5. **Easement** shall mean an acquired legal right for the specific use of land owned by others. (1998-20)
  6. **Service Box** shall mean a valve box used with corporation or curb cock. (1998-20)
- r. Types of charges: (1998-20)
  1. **Water Service Charge** shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in Section A - Rates and



- Charges and shall consist of the total of the Basis User Charge and the Local Capital Cost if applicable. (1998-20)
2. **User Charge** shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement. (1998-20)
  3. **Basic User Charge** shall mean the basic assessment levied on all users of the public water system. (1998-20)
  4. **Debt Service Charge** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding. (1998-20)
  5. **Capital Improvement Charge** shall mean a charge levied on users to improve, extend or reconstruct the water works. (1998-20)
  6. **Local Capital Cost Charge** shall mean charges for costs other than the operation, maintenance and replacement cost, i.e. debt service and capital improvements costs. (1998-20)
  7. **Replacement** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement. (1998-20)
  8. **Useful Life** shall mean the estimated period during which the water works will be operated. (1998-20)
  9. **Water Fund** is the principal accounting designation for all revenues received in the operation of the water system. (1998-20)

#### **.28 COMPLIANCE WITH EXISTING LAWS.**

A connection with a public water supply system shall comply with the existing laws and rules and the provisions of the Code of the City of Fairbury and the State of Illinois.

#### **.29 CROSS-CONNECTIONS PROHIBITED.**

Cross-connection of the public water supply system and any other water supply system or source including, but not limited to the following are prohibited:

1. Between a public water supply system and a secondary water supply.
2. By submerged inlet.
3. Between a lawn sprinkling system and the public water supply system.
4. Between a public water supply and piping which may contain sanitary waste or a chemical contaminant.
5. Between a public water supply system and piping immersed in a tank or vessel which may contain a contaminant.

#### **.30 LOCAL CROSS-CONNECTION CONTROL PROGRAM.**

The City of Fairbury shall develop a comprehensive control program for the elimination and prevention of all cross-connections, and removal of all existing cross-connections and prevention of all future cross-connections.

#### **.31 CORRECTIONS AND PROTECTIVE DEVICES.**

Any user of Fairbury water shall obtain written approval from the Water Department of any proposed corrective action or protective device before using or installing it. The total time allowed for completion of the necessary corrections shall be contingent upon the degree of hazard involved and include the time required to obtain and install equipment. If the cross-connection has not been removed within the time as hereinafter specified, the City shall physically separate the Fairbury water supply from the on-site piping system in such manner that the two systems cannot be connected by any unauthorized person.

#### **.32 PIPING IDENTIFICATION.**

When a secondary water source is used in addition to the Fairbury water supply, exposed Fairbury water and secondary water piping shall be identified by distinguishing colors or tags and so maintained that each pipe may be traced readily in its entirety, it will be necessary to protect the Fairbury water supply at the service connection in a manner acceptable to the Water Department.

**.33 PRIVATE WATER STORAGE TANKS.**

A private water storage tank supplied from the Fairbury water supply system shall be deemed a secondary water supply unless it is designed and approved for portable water usage.

**.34 ELIMINATION OF EXISTING CROSS-CONNECTIONS.**

Within one year from the effective date of this Section all existing cross-connections to the Fairbury water supply systems shall be eliminated. The expenses of such elimination shall be that of the owner of the property on which such cross-connection exists.

**.35** All extensions of water lines exceeding two inches or more shall be looped into the water distribution system, or have a means to flush the line. No dead ended lines will be allowed. In all cases, water lines and materials used will be of materials specified by the City Engineers and the Superintendent of Public Works.

**.36 INSPECTION.**

The Water Department of the City or any representative thereof shall have the authority to inspect any premises to determine the presence of an existing cross-connection and to order the elimination of such cross-connection.

**.37 DISCONTINUANCE OF WATER SERVICE.**

The Water Department is hereby authorized to discontinue water service after a reasonable notice to any person owning any property where a cross-connection in violation of this Code exists. The Water Department may take such other precautionary measures as necessary to eliminate any danger of the contamination of the Fairbury water supply system. Water service to such property shall not be restored until such cross-connection has been eliminated.

**.38 RESTRICTIONS ON DRILLING WELLS.**

No person, partnership, corporation, governmental body, association, or any other entity shall drill any well for any purpose within the City limits of the City of Fairbury or within the immediate water source providing the public water supply for the City of Fairbury, Livingston County, Illinois as legally described above without first receiving the permission of the City Council of the City of Fairbury. Any person, partnership, corporation, governmental body, association, or any other entity desiring to seek permission to drill a well within such immediate water source shall file with the City Clerk a request to be heard at the City Council at least ten days prior to a meeting of the City Council. Such request shall indicate the name of the person, partnership, corporation, governmental body, association, or any other entity desiring to drill said well and the name of the person, partnership, corporation, governmental body, association, or any other entity who will use said well, the location of said well and the name of the owner of the real estate on which said well will be located, the purpose for which said well will be drilled, and the estimated date upon which the well drilling will be begun. Immediately upon the filing of such request, the City Clerk shall send copies thereof to the Mayor, each alderman, the City Engineer, and the Superintendent of Waterworks. The City Council shall not grant a permit for the drilling until the person partnership, corporation, governmental body, association, or any other entity requesting permission to drill the well shall present evidence satisfactory to the City Council that the drilling or the use of said well will not cause pollution to or injury to the water source of the City of Fairbury. If the City Council grants such request, it may impose such restrictions on the drilling or use of said well as are reasonable to protect the water

source of the City of Fairbury from pollution or injury and may require the party seeking to drill the well or to use the well to put up such security as the City Council deems appropriate to protect the water source of the City of Fairbury from pollution or injury. Any person, partnership, corporation, governmental body, association, or any other entity which drills a well in violation of this Section shall be fined \$1000.00 for each offense and each day that such drilling continues or that such well is used shall constitute a separate offense. In addition to or in lieu of seeking such fines, the City may enforce this Ordinance by injunction to prevent any person, partnership, corporation, governmental body, association, or any other entity from drilling wells in violation of this Ordinance or from using wells drilled in violation of this Ordinance. (1988-21)

A permit from the City Council to drill a well shall not be required, (1) for individuals desiring to drill a well for new construction of a single-family residence outside the City limits of the City of Fairbury, or (2) for individuals who are faced with an emergency need for water, outside the City limits of the City of Fairbury, for human and livestock consumption because an existing well no longer produces water or because the water from such existing well has become contaminated and is no longer suitable for human or livestock consumption. These exceptions to Section .48 shall apply only to areas outside the City limits of the City of Fairbury and only where the individual already has all state and county permits necessary. These exceptions apply only to individuals and do not apply to partnerships, corporations, governmental bodies, associations, or any other entities. (1988-22)

### **.39 MINIMUM AND MAXIMUM WELL SET-BACK ZONES.**

#### (1) Purpose

Pursuant to the authority conferred by Ill. Rev. Stat. 1987, ch. 24, par. 11-125-4; Ill. Rev. Stat. 1987, ch.111 ½, par. 1014.2 and 1014.3; and in the securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this ordinance shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act ("Act") (Ill. Rev. Stat. 1987, ch. 111 ½, par. 1014.2) and this ordinance, and maximum setback zone established under Sec. 14.3 of the Act (Ill. Rev. Stat. 1987, ch. 111 ½. (1014.3) and this ordinance. Pursuant to Ill. Rev. State. 1989 ch. 24 par. 7-4-2, said minimum and maximum setback zones shall apply to all wells located on property owned by the City of Fairbury which lie outside the corporate limits of the City of Fairbury and which do not lie within the corporate limits of any other municipality in all respects the same as any wells owned by the City of Fairbury which lie within the corporate limits thereof. (1991-11)

#### (2) Definitions

Except as stated in this ordinance, and unless a different meaning of a word or term is clear from the context, the definition of words or terms of this ordinance shall be the same as those used in the Act and the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1987, ch. 111 ½, pars. 7451 et seq.): (1991-11)

*Act* means the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 ½, par. 1001 et seq.) (1991-11)

*Agency* means the Illinois Environmental Protection Agency. (1991-11)

*Board* means the Illinois Pollution Control Board. (1991-11)

*Minimum setback zone* means the area around a community water supply well established under Section 14.2 of the Act and this ordinance. The City of Fairbury water wells each have been designated a 400 ft. radius minimum setback zone. See Appendix A for map delineation. (1991-11)

*Maximum setback zone* means the area around a community water supply well established under Section 14.3 of the Act and this ordinance. For each water well used by the City of Fairbury the maximum setback zone is the area greater than 400 foot radius distance and less than or equal to

1000 ft. radius from each city water well. See Appendix A for map delineation. (1991-11)

(3) Prohibitions

- a) Except as provided in Section 4 or 5 of this ordinance, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone. (1991-11)
- b) Except as provided in Section 4 of this ordinance, no person shall place a new potential primary source within the maximum setback zone. (1991-11)

(4) Waivers, Exception, and Certifications of Minimal Hazard

- a) If, pursuant to Section 14.2(b) of the Act the owner of a new potential primary source, new potential secondary source, or new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from Section 3(a) of this ordinance. (1991-11)
- b) If, pursuant to Section 14.2© of the Act the owner of a new potential primary source (other than landfilling or land treating), new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 3(a) of this ordinance. (1991-11)
- c) If, pursuant to Section 14.2© of the Act the owner of a new potential primary source (other than landfilling or land treating), is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 3(b) of this ordinance. (1991-11)
- d) If, pursuant to Section 14.5 of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner shall not be subject to Section 3(a) of this ordinance to the same extent that such owner is not subject to Section 14.2(d) of the act. (1991-11)

(5) Exclusion

Section 3(a) of this ordinance shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulation adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations. (1991-11)

**.40 ACCESS TO RECORDS.**

The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant and Loan Agreement and Rules or any State Loan. (1998-20)

**.41 APPEALS:**

The method for computation of rates and service charges established for user charges in Section A - Rates and Charges shall be made available to a user with 14 days of receipts of a written request for such. Any disagreement over the method used or in the computations thereof shall be resolved by Water and Sewer Committee of the City Council of the City of Fairbury within 30 days after notification of a formal written appeal outlining the discrepancies. (1998-20)

**\*Renumbered (2018-23)**