

CITY OF LE ROY

ORDINANCE NO. 97

AN ORDINANCE ESTABLISHING SEWER USE & RATES

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF LE ROY, ILL.

THIS 4TH DAY OF JUNE, 1979

Published in pamphlet form by authority of the City Council of the City of Le Roy, McLean County, Illinois, this 14th day of June, 1979.

ORDINANCE NO. 97

AN ORDINANCE AMENDING THE MUNICIPAL CODE, LE ROY, ILLINOIS, 1975, CHAPTER 7, SEWERS, AND FURTHER REGULATING: THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: THE LEVYING OF CHARGES FOR WASTEWATER SERVICES (USER CHARGES).

WHEREAS, the City of LeRoy has determined to build a new sewage treatment plant and build and improve sewage lines within the city, and

WHEREAS, the City Council of the City of LeRoy has determined that it will be necessary to assess a Users Fee to be paid by customers of the City of LeRoy for the use of said sewer lines and treatment plant in order to pay for said improvements,

NOW, THEREFORE, BE IT ORDAINED by the MAYOR AND CITY COUNCIL OF THE CITY OF LE ROY, ILLINOIS:

Part I

Definitions

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

Sec. 1 Federal Government

"Federal Act" means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq).

"Administrator" means the Administrator of the U. S. Environmental Protection Agency.

"Federal Grant" shall mean the U. S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and Implementing Regulations.

Sec. 2 State Government

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

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

"State Grant" shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

Sec. 3 Local Government

"Ordinance" means this ordinance.

"City" means the City of LeRoy.

"City Council" means the City Council of LeRoy.

"Superintendent" means the person designated by the City Council as Superintendent of the Waterworks and Sewerage System.

Sec. 4

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

Sec. 5

"NPDES Permit" means any permit or equivalent document or requirements issued by the Administrator, or, where appropriate by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

Sec. 6

Clarification of word usage: "Shall" is mandatory; "may" is permissible.

Sec. 7

Wastewater and its characteristics:

"Wastewater" shall mean the spent water of a community. 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.

"Sewage" is used interchangeably with "wastewater".

"Effluent Criteria" are defined in any applicable "NPDES Permit".

"Water Quality Standards" are defined in the Water Pollution Regulations of Illinois.

"Unpolluted Water" is 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.

"ppm" shall mean parts per million by weight.

"Milligrams per Liter" shall mean 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.

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

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

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

"Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

"Properly shredded Garbage" shall mean 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 (1/2) inch (1.27 centimeters) in any dimension.

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

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

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

"Sanitary Sewage" shall mean the liquid and water carried waste discharged from sanitary plumbing fixtures. "Normal domestic sanitary sewage" shall be one containing not more than 200 mg/l of BOD and 250 mg/l SS.

"Industrial Waste" shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or processor, or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

"Major Contributing Industry" shall mean an industrial user of the publicly owned treatment works that: (a) Has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amount as defined in standards issued under Section 307 (a) of the Federal Act; or (b) is found by the permit issuance authority, in connection with the issuance of the NPDES Permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

Sec. 8

Sewer types, and appurtenances:

"Sewer" shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

"Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sanitary or combined sewer system, even though those sewers may not have been constructed with City funds.

"Sanitary Sewer" shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.

"Storm Sewer" shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

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

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

"Building Drain" shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"Stormwater Runoff" shall mean that portion of the precipitation that is drained into the sewers.

"Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

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

Sec. 9

Treatment:

"Pretreatment" shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

"Wastewater Treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "pollution control plant".

Sec. 10

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

Sec. 11

Watercourse and connections:

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

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 12

User types:

"User Class" shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

"Residential or Commercial" or "Non-Industrial" user shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this section.

"INDUSTRIAL USER" SHALL MEAN:

- a. Any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under divisions A, B, D, E and I and which discharges more than 25,000 gallons per day of sanitary waste, or a volume of process waste, or combined process and sanitary waste with a total population equivalent greater than 250 persons per day.
- b. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works containing toxic or poisonous substances which may of themselves or in combination with other wastes contaminate treatment plant sludge or otherwise interfere with the plant process operation or cause the treatment plant effluent to violate National Pollutant Discharge System discharge permit standards.

A user in the divisions listed may be excluded if it is determined by the City Council that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

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

Sec. 13

Type of charges:

"Wastewater Service Charge" shall be the charge per a two month period levied on all users of the wastewater facilities. The service charge shall be computed as outlined in Part 3, Article I, and shall consist of the total of the User Charge, and a Surcharge, if applicable.

"User Charge" shall mean the basic assessment levied on all users of the public sewer system for the cost of operation and maintenance.

"Surcharge" shall mean the assessment in addition to the User Charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Part 3, Article I, Section 4.

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

"Useful Life" shall mean the estimated period during which the collection system and/or treatment works will be operated and shall be thirty (30) years from the date of start-up of any wastewater facilities constructed with a State grant.

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

Part 2

ARTICLE I

USE OF PUBLIC SEWERS REQUIRED

Sec. 1

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of LeRoy, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

Sec. 2

It shall be unlawful to discharge to any natural outlet within the City of LeRoy, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3 Except as herein^{after} 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.

Sec. 4 The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within 75 feet of the property line.

ARTICLE II

PRIVATE SEWAGE DISPOSAL

Sec. 1 Where a public sanitary or combined sewer is not available under the provisions of Article I, Section 4 of this Part, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article II.

Sec. 2 Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the McLean County Health Department.

Sec. 3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the McLean County Health Department. It shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the McLean County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the McLean County Health Department.

Sec. 4 The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code, and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that deemed necessary by the McLean County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 5 At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article I, Section 4, a direct connection

shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Sec. 6 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the City.

Sec. 7 No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the City of LeRoy Superintendent.

Sec. 8 When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days of official notice of availability and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

ARTICLE III

BUILDING SEWERS AND CONNECTIONS

Sec. 1 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 Superintendent.

Sec. 2 The owner or his agent shall make application for a building sewer permit on a special form furnished by the City Clerk. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Superintendent. A permit and inspection fee of Ten Dollars for a building sewer permit shall be paid to the City Clerk at the time the application is filed. An industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

Sec. 3 A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the down-stream 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. 4 All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 5 A ^{separate} separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

- Sec. 6 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Superintendent, to meet all requirements of this ordinance.
- Sec. 7 The building sewer shall be constructed of Vitrified Clay Pipe ASTM C-700 with C-425 flexible gasket joints. All joints shall be water tight. Size and slope of the building sewer shall be subject to the approval of the Superintendent but in no event shall the diameter be less than 6" and slope less than 1/8" per foot.
- Sec. 8 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Article III, Section 2, and discharged to the building sewer.
- Sec. 9 All excavations required for the installation of the building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM C12-19 except that no backfill shall be placed until the work has been inspected. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in the manner satisfactory to the Superintendent.
- Sec. 10 The connection of the building sewer into the public sewer shall be made at the "Y" or "T" branch, if such branch is available at a suitable location. If no properly located "Y" or "T" branch is available, the owner shall, at his expense, install a "Y" or "T" branch in the public sewer at the location specified by the Superintendent. Special fittings may be used for the connection only when approved by the Superintendent. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- Sec. 11 During the time of excavation and as long as an excavated area remains open so as to act as a catch basin, any sewer tile or drainage outlet designed to service the excavated area shall at all times be either capped or furnished with a sufficient standpipe so as to eliminate the possibility of any rain or surface water collecting or draining into the excavated area and hence into the outlets and accordingly into the sewer system of the City.
- Sec. 12 No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

ARTICLE IV

USE OF THE PUBLIC SEWERS

Sec. 1 No person shall discharge, or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewers.

Sec. 2 Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City Council. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Council, to a storm sewer, combined sewer, or natural outlet.

Sec. 3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers.

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

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

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Sec. 4 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Superintendent, that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), (65°C).

(b) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150°F), and 0 and 65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the City Superintendent.

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

(e) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City Council for such materials.

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

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

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

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

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

(k) Materials which exert or cause:

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

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

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

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

(1) 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.

Sec. 5

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and/or which are in violation of the Standards for Pretreatment provided in Chapter I, EPA Rules and Regulations, subchapter D, Water Programs, Part 4403 Pretreatment Standards, and any amendments thereto, and which in the judgement of the City Council, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City Council may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 10 of this Article.

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

Sec. 6

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

Sec. 7

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

Sec. 8

Each new industry shall be required to install a control manhole and, when required by the City Council, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and

other appurtenances in the building sewer as will facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be reasonably accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manholes 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. 9

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance 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 Federal Regulation 40 CFR Part 136, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

Sec. 10

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, in accordance with Part 3, Article I hereof, by the industrial concern.

Sec. 11

The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this ordinance and any special conditions for discharge established by the City Council or regulatory agencies having jurisdiction over the discharge.

The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City Council, but not less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards is being met. The owner shall report the results of the measurements and laboratory analyses to the City Council at such times and in such manner as prescribed by the City Council. The owner shall bear the expense of all measurements, analyses, and reports required by the City Council. At such times as deemed necessary, the City Council reserves the right to make measurements and samples for analysis by an outside laboratory service.

ARTICLE V

PROTECTION OF SEWAGE WORKS FROM DAMAGE

Sec. 1 No unauthorized person shall maliciously, willfully, or negligently, break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any violation of this provision shall be deemed disorderly conduct.

ARTICLE VI

POWERS AND AUTHORITY OF INSPECTORS

Sec. 1 The Superintendent and other duly authorized employees of the City, the Illinois Environmental Protection Agency, and the U. S. Environmental Protection Agency, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond the point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

Sec. 2 While performing the necessary work on private properties referred to in Article VI, Section 1 above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against the 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 Article IV, Section 8.

Sec. 3 The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VII

EXTENSION OF MAINS

Sec. 1 Expense of Extension. The person or persons desiring sewer service shall install the extension at their own personal expense upon written consent by the City Council, and compliance with the following:

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

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

(c) Ownership, rights-of-way, and title must be conveyed to the City for all extensions installed. The City will maintain the mains thereafter.

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

ARTICLE VIII

CHANGE IN OCCUPANCY

Sec. 1 Notice to City. Any user requesting a termination of service shall give written notice to the City Clerk ten (10) days prior to the time such termination of service is desired. Responsibility for payment for sewer service prior to the date of termination shall be with the property owners as well as the user. There shall be no charge for transferring the sewer service to the subsequent user.

ARTICLE IX

PENALTIES

Sec. 1 Any person found to be violating any provision of Part 2 of this ordinance except Article V shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2 Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$200.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 3 Any person violating any of the provisions of this ordinance shall become liable to the City by reason of such violation.

ARTICLE X

VALIDITY

Sec. 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART 3

WASTEWATER SERVICE CHARGES

ARTICLE I

WASTEWATER SERVICE CHARGES

Sec. 1 Basis for wastewater service charges: The wastewater service charge for the use of and for service supplied

by the wastewater facilities of the City of LeRoy shall consist of a basic user charge for operation and maintenance plus replacement, and a surcharge, if applicable. In addition, debt service requirements for general obligation bonds are being produced by ad valorem taxes as provided in Sanitary Sewer Bond Ordinances dated September 11, 1972 and December 9, 1976. The user charge shall be based on water usage as recorded by water meters for normal waste having the following strength:

(a) A five-day, 20 degree Centigrade (20°C) biochemical oxygen demand (BOD) of 200 mg/l.

(b) A suspended solids (SS) content of 250 mg/l.

Water meter readings shall be assumed to equal sewage flow except in cases where the user may show that water passed through the meter is not returned to the sewer. An adjustment in meter readings may be made in such cases if the user furnishes the City a meter reading of water flow not discharged to the sewer. The user charge shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

(a) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year.

(b) Estimate wastewater volume discharged to the sewer system based on total water meter readings after appropriate adjustment for water not returned to the sewer and/or water from unmetered private sources which is discharged to the sewer system.

(c) Compute costs per 1000 gallons for normal sewage strength wastes.

A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 250 mg/l concentration for BOD and SS respectively. Article I, Section 5, of this Part specifies the procedure to compute a surcharge. The adequacy of wastewater service charge shall be reviewed annually by Certified Public Accountants for the City in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in operation and maintenance costs including replacement costs and adjusted as required. One of the purposes of the annual review shall be to maintain service charges in relation to cost and assure that all classes of users are being charged their equitable share.

Sec. 2

Measurement of flow: The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 100 gallons.

(a) If the person discharging wastes into the public sewers procures any part, or all of his water from sources other than the City, all or a part of which is discharged into the public sewers, the person shall install and maintain at his expense, water meters of a type approved by the Superintendent for the purpose of determining the volume of water obtained from these other sources.

(b) Devices for measuring the volume of waste discharged to the sanitary sewer may be required by the City Council if these volumes cannot otherwise

be determined from the metered water consumption records.

(c) Devices for measuring the volume of waste not discharged to the sanitary sewer may be required by the Superintendent if reasonable estimates cannot be made for adjusting water meter readings.

(d) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the City Council.

Sec. 3

Basic user rate: There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the Wastewater Facilities of the City. A minimum charge of \$1.65 per two month period to all users whose water consumption does not exceed 1300 gallons per two month period. A basic user rate of \$1.25 per 1000 gallons metered or adjusted (as in Article I, Section I) in excess of 1300 gallons per two month period to all users who discharge normal strength wastes to the system.

Sec. 4

Surcharge rate: For waste strengths above normal strength of 200 mg/l BOD and 250 mg/l SS, a surcharge of \$0.18 per pound BOD and \$0.06 per pound SS shall be applied. The surcharge for each bimonthly period shall be computed by the following formula:

$$SC_{BOD} = (X-200) \times 0.000083 \times \$0.18$$

$$SC_{SS} = (y-250) \times A \times 0.000083 \times \$0.06$$

where

SC_{BOD} = surcharge above the user rate for BOD concentration above 200 mg/l.

SC_{SS} = Surcharge above the user rate for SS concentration above 250 mg/l.

X = two months average BOD concentration in mg/l.

y = two months average SS concentration in mg/l.

A = two months metered water flow adjusted for appropriate losses in gallons.

Sec. 5

Computation of surcharge: The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Superintendent and shall be binding as a basis for surcharges.

Sec. 6

Computation of Total Wastewater Service Charge: The wastewater service charge shall be computed by the following formula:

$$CW = MC + BC + SC_{BOD} + SC_{SS}$$

where:

CW = total wastewater service charge.

MC = minimum charge as set out in Article I, Section 3.

BC = basic user charge as set out in Article I, Section 3.

SC_{BOD} = surcharge for BOD as computed in Article I, Section 4.

SC_{SS} = surcharge for SS as computed in Article I, Section 4.

ARTICLE II

INDUSTRIAL COST RECOVERY

Sec. 1

Industrial Cost Recovery Required: Each industrial user shall pay that portion of any Federal Grant which has been obtained by the City of LeRoy for the financing of the construction of wastewater treatment works allocable to the treatment of the wastewater from such user. Such users share shall not include an interest component. No charge system has been developed herein since there is no present discharge of industrial wastes to the sewerage system. Prior to the time that an industry discharges into the system, the City Council shall develop a system of equitable industrial cost recovery in accordance with the requirements of the Federal Grant heretofore received for construction of sewerage improvements.

ARTICLE III

GENERAL PROVISIONS

Sec. 1

Bills: Said rates or charges for service shall be payable bi-monthly as determined by the City. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the City.

Bills for sewer service shall be sent out by the City Clerk within fifteen days after the end of the period for which the service is billed.

All sewer bills are due and payable 15 days after being billed. A penalty of 10 percent of each original bill shall be added to all bills not paid by the 15th day after they have been rendered.

Sec. 2

Lien Notice of Delinquency: Whenever a bill for sewer services remains unpaid for 30 days after it has been rendered, the City Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the City claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. If the user whose bill is unpaid is not the owner of the premises and the City Clerk has notice of this, notice shall be mailed to the

owner of the premises if his address be known to the Clerk whenever such bill remains unpaid for the period of 120 days after it has been rendered.

The failure of the City Clerk to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing Section.

Sec. 3

Foreclosure of Lien: Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by complaint in the name of the City. The City Attorney is hereby authorized and directed to institute such proceedings in the name of the City in any Court having jurisdiction over such matters against any property for which the bill has remained unpaid 120 days after it has been rendered.

Sec. 4

Revenues: All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the City Treasurer separate and apart from his private funds and separate and apart from all other funds of the City and all of said sum, without any deductions whatever, shall be delivered to the City Treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the City Council. The City Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewerage Fund of the City". Said Treasurer shall administer such fund in every respect in the manner provided by Statute in the Illinois Municipal Code.

Sec. 5

Accounts; 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 sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities (including replacement costs and Capital Amortization) to indicate that sewer service charges are equitable. In this regard, the financial information to be shown in the audit report shall include the following:

10-1 thru 4-30
 $\frac{6AL}{2.78} = C.F.$

(1) Flow data showing total cubic feet received at the wastewater plant for the current fiscal year. *14,134,169 cu. ft*

(2) Billing data to show total number of cubic feet billed.

30,150,692 Gallons
9-1 Thru 4-30

- (3) Debt service for the next succeeding fiscal year.
- 1091 (4) Number of users connected to the system. 7105
- (5) Number of non-metered users.
- (6) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.
- ⊗ (7) Adjustments for water not discharged to sanitary or combined sewers.,

Sec. 6

Notice of rates: A copy of this Article properly certified by the City Clerk, shall be filed in the office of the Recorder of Deeds of McLean County and shall be deemed notice to all owners of real estate of the charges of the sewerage system of said City on their properties.

Sec. 7

Penalty: Any person, firm or corporation violating any provisions of this Article shall be fined not less than \$25.00 nor more than \$200.00 for each offense.

Sec. 8

Access to Records: United States Environmental Protection Agency or the Illinois Environmental Protection Agency or their authorized representative shall have the access to any books, documents, papers, and records of the City which are applicable to the City system of User charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any Federal Grant.

ARTICLE IV

EFFECTIVE DATE OF RATES

The rates and service charges established for User charges and industrial cost recovery shall be effective commencing September 1, 1979.

ARTICLE V

VALIDITY

If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

ARTICLE VI

ORDINANCE IN FORCE

This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

PASSED by the Mayor and City Council of the City of LeRoy,

Illinois, on the 4th day of June, 1979, and deposited and filed in the office of the City Clerk in said City on that date.

Elected Alderman - 6

Present - 5

AYE 4 Gary Bulta, Jack Gassaway, Randy Zimmerman, Bruce Owens

NAY 1 Jerry Davis

Juanita Dagley
City Clerk of the City of
LeRoy, Illinois

APPROVED by the Mayor of the City of LeRoy, Illinois, this
4th day of June, 1979.

Jack W. Moss
Mayor of the City of LeRoy,
Illinois

ATTEST:

Juanita Dagley
Juanita Dagley, City Clerk of
the City of LeRoy, Illinois

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