

**AMENDING CHAPTER 7 "WATER SERVICE", SECTION 7.18 "WATER RATES" AND SECTION 7.18-6 "WATER SERVICE FEE", OF THE CITY OF DEKALB, ILLINOIS MUNICIPAL CODE.**

**WHEREAS**, the City of DeKalb (the "City") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

**WHEREAS**, City staff recommends amending Chapter 7 "Water Service" of the City's Municipal Code as set forth in the attached and incorporated Exhibit A (the "Amendment"); and

**WHEREAS**, the City's corporate authorities find that adopting the Amendment is in the City's best interests for the protection of the public health, morals and welfare; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:**

**SECTION 1:** The recitals to this Ordinance are true, material, adopted and incorporated as Section 1 to this Ordinance.

**SECTION 2:** The City's corporate authorities adopt and approve the Amendment.

**SECTION 3:** This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provision of non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

**SECTION 4:** This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 10<sup>th</sup> day of June 2024 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Powell, Verbic, Walker, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Powell, Verbic, Walker, Barnes. Nay: None.



  
COHEN BARNES, Mayor

ATTEST:

  
Ruth A. Scott, Executive Assistant

## **CHAPTER 7 WATER SERVICE**

**LATEST REVISION: April 25, 2022 (Ordinance 2022-017)**

### **SECTIONS:**

- 7.01 WATER DIVISION ESTABLISHED.**
- 7.02 WATER REGULATIONS.**
- 7.03 CONNECTIONS.**
- 7.03-5 DISCONNECTIONS.**
- 7.04 PERMITS, CONDITIONS.**
- 7.05 WATER TAPS.**
- 7.06 WATER TAP FEES.**
- 7.06-5 WATER CAPITAL CONNECTION FEE.**
- 7.07 SERVICES, SEPARATE BOXES.**
- 7.07-5 SERVICES, TEMPORARY.**
- 7.08 SERVICES, LOCATION.**
- 7.09 STOP AND WASTE.**
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- 7.11 FIXTURES, REPAIR.**
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- 7.13 SHUTTING OFF WATER.**
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- 7.15 RATES; NOTICE; LIEN.**
- 7.16 METER READING.**
- 7.16-5 MASTER METER PRIORITY STATUS.**
- 7.17 METER REGULATIONS.**
- 7.18 WATER RATES.**
- 7.18-6 WATER SERVICE FEE.**
- 7.18-7 DELETED.**
- 7.18-8 DELETED.**
- 7.18-9 ACCOUNTS.**
- 7.19 PROCEDURES FOR BILLING AND TERMINATION OF SERVICE.**
- 7.20 RATES TO CONTRACTORS.**
- 7.21 INTERFERENCE WITH HYDRANTS.**
- 7.22 MAINTENANCE OF HYDRANTS.**
- 7.23 OBSTRUCTION OF APPLIANCES.**
- 7.24 INTERFERENCE WITH METERS.**
- 7.25 WATER USE IN EMERGENCIES.**
- 7.26 WATER LABORATORY FEES.**
- 7.27 RIGHT TO DENY WATER SERVICE.**
- 7.28 CROSS CONNECTION CONTROL.**
- 7.30 EXTRATERRITORIAL WATER SERVICE**
- 7.40 PENALTY FOR VIOLATION.**
- 7.41 ACCESS TO RECORDS.**
- 7.42 DEFINITIONS.**

### **7.01 WATER DIVISION ESTABLISHED.**

- a) There is hereby established a Water Division of the Department of Public Works of the City of DeKalb, which shall be under the general supervision of the City Manager or his designee.
- b) The management and supervision of the Water Division and the water works of the City and of any and all property pertaining thereto, shall be under the direction and control of the Director of Public Works.
- c) The term Superintendent used throughout shall mean and be one and the same as the Director of Public Works.
- d) The term Director shall be the Director of Public Works or his designee.

### **7.02 WATER REGULATIONS.**

Every consumer of water furnished by the City shall be governed by and subject to the rules and regulations of this Chapter.

### **7.03 CONNECTIONS.**

No person shall tap or make any connection with the distributing pipes of the water works of the City, unless duly authorized by the Director of Public Works.

### **7.03-5 DISCONNECTIONS.**

- a) It shall be the duty and responsibility of the customer (owner of property served by the City water) to disconnect said water service at the City's water main whenever said water service is abandoned or the building(s) upon the customer's real estate is or are destroyed or demolished, provided the customer's property is within the corporate limits of the City of DeKalb and except as provided herein. If the customer's property is unincorporated but is contiguous to the City of DeKalb's corporate limits, water service shall only be continued and provided upon the annexation of such property to the City of DeKalb. If the customer's property, at the time of disconnection, is unincorporated and is not adjacent and contiguous to the City of DeKalb's corporate limits, water service may only be continued to the customer's property upon the owner's submission of an irrevocable unconditional petition to annex the customer's property. The annexation of the property would occur at such time the property becomes contiguous to the City of DeKalb's corporate limits.
- b) Upon posting cash, a certified check or cashier's check payable to the City in the amount as determined by the Department of Public Works sufficient to pay for the disconnection provided above (but in no case less than \$1,000.00), a customer shall be permitted ninety (90) days from the date of demolition or destruction of a building or buildings as above provided in which to obtain a building permit pursuant to Chapter 24 of the Municipal Code and use the existing service as the water service for the proposed building(s). The condition imposed upon the customer in posting said sum above provided shall be that if he obtains a permit within the ninety (90) days provided and commences construction within the time provided for in the permit, the sum shall be returned. Otherwise, it shall be applied by the City to the actual cost of disconnecting the service with any balance being returned to the customer.
- c) Permit Required: No customer or any other person shall remove an existing tap or make any disconnection of an existing water service pipe from the waterworks system of the City of DeKalb unless a written permit is first obtained from the Department of Public Works. The Department of Public Works shall refuse to issue such a permit unless the applicant therefor evidences in writing compliance with this Chapter 7.03-5. Any and all labor and materials

necessary to make such disconnection shall conform to standards imposed by the City of DeKalb or the Department of Public Works.

#### **7.04 PERMITS, CONDITIONS.**

- a) Persons desiring a water connection shall obtain a permit therefor from the Director of Public Works.
- b) Evidence satisfactory to the Director of Public Works shall be furnished to and required by him, before issuing such permit that the plumbing construction and fixtures to be supplied from such connection comply with the plumbing regulations of the City.
- c) No person shall turn water into any service except on express order or permission of the Director of Public Works, provided that plumbers may leave water turned on for twenty-four hours to test the work, at the end of which time they shall shut off the water.
- d) Every application for water shall state that it is taken subject to all rules and regulations of the City then in force or that may be thereafter adopted for the government of the water works.
- e) Customers or other persons desiring to disconnect an existing water service from the City's waterworks system as provided for above shall obtain a permit therefor from the Director of Public Works. A fee of Five Dollars (\$5.00) shall be assessed for each permit processed. (78-101)
- f) All customers or other persons desiring to connect or disconnect from the City's waterworks system shall accompany such request by a plat showing the location of the connection or disconnection and all related appurtenances. Said plat shall show all service sized and distances to the sidewalk, the property line and the building to be served or disconnected from. The plat shall also show the main size and the type of service pipe.

#### **7.05 WATER TAPS.**

The Director of Public Works, or his designee, shall in all cases make the necessary tap in the water main and put in the corporation cock. The labor and material to make the tap and put in the corporation cock shall be provided by the City at the cost of the applicant. The applicant shall be responsible for all other costs necessary to make the corporation cock installation, inclusive of excavation, backfill, street repair, etc.

#### **7.06 WATER TAP FEES.**

All applicants having water service at the time of applications and desiring to install a new water tap to service the same place shall pay the applicable fees as established and set forth in Chapter 24.04 to reimburse the City of the labor and materials used to make the tap and put in the corporation cock.

The water taps that are provided as part of constructing water mains for a new subdivision, the individual per premise water tap fee as provided for in Chapter 24.04, to reimburse the City of the labor and materials used to make the tap and put in the corporation cock, shall be paid at the same time that a building permit is applied for. No water tap fee will be assessed for a new subdivision water main extension(s).

#### **7.06-5 WATER CAPITAL CONNECTION FEE.**

Any applicant requesting domestic water service or upgrading domestic water service shall pay a water capital connection charge for the construction, expansion, and extension of the City of DeKalb's public water supply system in accordance with the schedule set forth in Chapter 24.04.

#### **7.07 SERVICES, SEPARATE BOXES.**

Each Domestic water service and each fire service pipe intended to supply one or more tenements, buildings or premises, shall each be supplied with separate and distinct stop cocks and buffalo or shut-off boxes for each tenement, building or premises, which shall each be located outside of the tenement building, or premise and where they will at all times be legally and easily accessible. All water shut-off boxes shall be located at the front property line near the sidewalk and approximately at the center of the premises to be served unless otherwise permitted. For the purpose of clarification of this Section, a domestic water service pipe and a fire service pipe shall be required to be separate services and independent of the other unless otherwise permitted. A domestic water service pipe and a fire service pipe may be permitted to be combined from the point of connection with the public water supply pipe to a point outside of the tenements, buildings, or premises to be served as long as each service pipe has a separate shutoff valve and vault or box at a location in close proximity to and after the point of separation. Said point of separation shall be at a location outside the tenement, building or premise to be served and shall be easily and legally accessible by the City. Retrofit installations may permit the point of separations to be located inside the tenement, building or premise to be served as long as the shut-off valve is easily and legally accessible from the outside and capable of being locked and secured in either an open or closed position.

#### **7.07-5 SERVICES, TEMPORARY.**

- a) Any temporary water service user utilizing an existing fire hydrant with permit from the Director shall be required to make the temporary connection with approved piping material and with the utilization of a reduced pressure back flow device. The reduced pressure backflow device shall be as provided and installed by the City. All piping and appurtenances beyond the reduced pressure backflow device shall be provided and paid for by the user. All aspects of the connection shall be pursuant to City standards and shall be as approved by the City prior to use.
- b) Temporary service connections utilizing a fire hydrant shall be for a period of time not to exceed seven consecutive calendar days unless otherwise permitted. Applicants for any temporary service shall be responsible for the protection and security of the City furnished reduced pressure backflow device, and meter, if required. The applicable fees for this service shall be paid in accordance with the fee schedule in Chapter 24.04. Upon disconnection of the temporary service, the \$200 deposit, less any accrued water costs of damages assessed, shall be refunded to the user within 30 days.
- c) In addition, a \$200 refundable deposit guarantee for payment of water used in excess of 2,500 cubic feet and for guarantee of the return of the water meter and reduced pressure backflow connection device. Upon disconnection of the temporary service, the \$200 deposit, less any accrued water costs or damages assessed shall be refunded to the user within 30 days.

#### **7.08 SERVICES, LOCATION.**

All water service pipes must be laid not less than five (5) feet below the surface of the ground for the entire distance from the corporation cock to the point of entry of the building to be supplied. No service pipe shall be laid in a trench with, or nearer than five (5) feet, on a generally parallel course to any sewer or drain.

### **7.09 STOP AND WASTE.**

A stop and waste cock of the compression type, to be approved by the Director of Public Works, shall be installed on all premises supplied with City water, at a point as near as practicable to the point where the service pipe enters in basements or cellars, in such manner that all pipes in buildings will be drained when such stop and waste cock is closed.

### **7.10 PLUMBING PERMIT.**

No addition to or alteration of any tap, pipe, water cock or other fixture, connected with the City water supply, shall be made, or caused to be made, except through a licensed plumber and on a permit in writing, first obtained from the Director of Public Works.

### **7.11 FIXTURES, REPAIR.**

Persons taking City water shall do so at their own expense and shall keep all pipes, stop cocks/curb stops and fixtures in good repair, subject to the limitations contained in this paragraph. The buffalo or shut-off box, stop cock/curb stop, connections, corporation cock, valves and service pipe shall be furnished, installed and shall be maintained in perpetuity, by and at the expense of the customer, as shall all labor for trenching, pushing, boring, or backfilling, from the buffalo or shut-off box to the premises being served with the exception the City shall be responsible for repair of the corporation cock, buffalo or shut-off box, stop cock/curb stop (including the point of connection, public property side only) and that portion of the service pipe from the buffalo or shut-off box connection to the corporation cock at the water main. All repairs for or replacement of service pipes from the point of connection to the City's water main, up to and inclusive of the buffalo or shut-off box and the stop cock/curb stop, shall be made by and at the expense of the City. Repair responsibilities as outlined herein shall not be the responsibility of the City when it is determined by the Director of Public Works or designee that said repair is required due to negligence or damage by others. No reduction from any water bill shall be made on account of any leak in any pipes or fixtures. All repairs for or replacement of service pipes, or valves from the point of connection at the stop cock/curb stop to the premises being served shall be made by and at the expense of the customer. The City may, in case of emergency, repair any service pipe, valve or from the point of connection to the stop cock/curb stop to the premises being served and assess the cost of such repair against the owner of the premises being served.

### **7.12 INSPECTION, TESTS AND REPAIRS.**

Consumers of City water shall at all reasonable hours permit the Director of Public Works or his assistants to enter their premises for the purpose of inspecting the manner in which water is taken.

The Director of Public Works and his assistants shall have the right to enter any premises supplied with City water at any reasonable time to inspect meters and connections or pipes or fixtures connected therewith, and if deemed necessary by them, may remove any meter, whether owned by the City or the consumer, for the purpose of testing or repairing the same. The owner or person paying for the water supplied by such meter shall have the right to be present, if desired, at the making of any such test.

### **7.13 SHUTTING OFF WATER.**

In case of making repairs or constructing new work, the City reserves the right to shut off the water at once and keep it shut off as long as may be necessary to accomplish such purpose.

#### **7.14 VACANCIES.**

- a) Credit on water bills for time property is vacant, will be allowed only when the Director of Public Works is notified at the time property becomes vacant, so that the water may be shut off at the premises, and when such vacancy is for a continuous period of one month or more.
- b) When the Director of Public Works is notified at the time property becomes vacant and the property remains continuously vacant for a period of 30 days or more, the minimum rate will be applied for the time the property is occupied, provided that the amount shown by the meter to have been used does not exceed such minimum rate at the published rates charged by the City.
- c) No charge will be made by the City for shutting off or turning on water when property is vacant or to repair leaks, when notified by the owner, tenant, or agent of the property.

#### **7.15 RATES; NOTICE; LIEN.**

- a) Rates: Charges for City water shall be made against the property using said service. Notice of charges for City water service shall be mailed only to the property owner at his place of residence.
- b) Notice: Whenever a bill for water rates, charges or benefits remains unpaid for twenty-two (22) days after it has been rendered, the bill shall be deemed delinquent, and City Manager or his designee shall send a delinquency notice to the owner of record of the property advising that the charges or rates have become delinquent, and that unpaid charges or rates may create a lien on the property.
- c) Lien: If the charges or rates remain unpaid fifteen (15) days after the date of the delinquency notice, the City Manager or his designee may then file a Notice of Lien against said property with the DeKalb County Recorder. Said Notice shall consist of a sworn statement by the City Manager, or such other officer of the City having knowledge of the facts and shall set forth (1) a description of such real estate sufficient for the identification thereof, (2) the amount of money due for such service, (3) the date when such amount became delinquent. The City shall then send a copy of the recorded lien to the property owner. The amount due on the lien shall be inclusive of the amount for unpaid charges, late fees or interest, penalties, disconnection and/or reconnection fees, an administrative fee of One Hundred Dollars (\$100.00), recording fees incurred and current recording fees in effect at the time of recording the release.
- d) Legal Action:
  - 1. Foreclose Lien: Subsequent to the filing of said lien, the City may file a complaint for foreclosure of such lien, or upon becoming a defendant in a pending suit affecting the premises or real estate, by answer to the complaint or in the nature of an intervening petition or cross-complaint, the City may proceed in its corporate name to foreclose such lien.
  - 2. Civil Action: The City may also sue the owner of the property to recover the money due for services rendered, plus reasonable attorney's fees.
  - 3. Other: The actions authorized by subsections (d)(1) and (2) shall be in addition to, and without waiver of, any other available remedies.

#### **7.16 METER READING.**

All charges for water used through meters shall be for the amount which would be shown by the meter to have been used if the last two figures of the reading had been ciphers, except when the bill

is being made on account of a change of ownership or tenant, in which case the reading shall be taken at the nearest 100 cubic feet.

No reading of two or more meters will be made or combined in any case so as to reduce the amount of the total bill for water used through the same, and water passing through each meter will, at all times be charged for at the rates provided.

Whenever any meter by reason of being out of repair or for any cause, registers less than the amount of water passing through the same, the consumer will be charged at the rate shown for the corresponding time of the previous year under like conditions. If no record of the previous year exists or is to be had, the Director of Public Works shall estimate or determine so far as possible the amount of water consumed during the time such meter under registers, and the consumer shall pay for the amount so estimated to be due at the established rates.

#### **7.16-5 MASTER METER PRIORITY STATUS.**

In the event that there is a discrepancy in the recorded volume of water used between the master water meter register and its connected remote water meter reader register, the master water meter register shall be considered the register which determines the correct water volume usage.

#### **7.17 METER REGULATIONS.**

- a) Meters. All service pipes, through which City water is supplied shall be equipped with water meters approved by the Director of Public Works. Such meters shall be kept in good running order and accurate working condition by the City, except as otherwise provided under subsection (l) below if owned by the City, and by the consumer if owned by him.
- b) Seals. The Director of Public Works shall place on each water meter a sufficient and suitable seal in such manner as to prevent tampering with such meter without first breaking the seal.
- c) Concealed Connection. The meters shall be so placed that the water used on the premises cannot, before passing through the meter, pass through any stop cock or shut off placed underground or under any cellar or basement floor, or other concealment, except the corporation cock.

No faucet, bib or other opening or connection from which water may be drawn without passing through the meter shall be left or installed between the corporation cock and meter, except by written permission of the Director of Public Works whose duty it shall be in such cases to seal such opening or connection so that the seal must be broken in order to take water through such opening or connection.

- d) Testing. The water meters, intended for measuring the water supplied by the City shall, before they are installed on the service pipe, or after any repairs, be tested in the presence of the Director of Public Works or person designated by him. Any meter which shall fail to register within the established standards set forth in Section 7.17 (k) shall not be used.
- e) Obstructions. All meters shall, after installation, be free of obstruction on and around same, and so placed and maintained as to at all times be convenient of access for the purpose of reading, inspecting, and repairing during reasonable hours.
- f) Level Setting. All meters shall be so placed on the service pipe that the inlet and outlet ends of the meter shall be level.
- g) Furnished by City. The Water Division will, upon written request by the consumer of City water, on a form furnished by the City, provide each customer with a suitable water meter and a

remote reader, when accompanied by the applicable fee(s) established and set forth in Chapter 24.04.

All water meters henceforth from the time of adoption of this Chapter 7.17, (g), shall remain under the ownership of the City of DeKalb.

- h) Plumbing. All plumbing and piping necessary to attach water meters to water services shall be furnished and paid for by the person to be supplied with water through such meters.
- i) Damages. Any water meter owned by the City which, while still in place on the service, is stolen, damaged from the exterior of the meter, or from the passage of hot water through the meter, or from not being properly protected from frost, or by reason of carelessness or improper protection, shall be replaced or repaired by the City at the expense of the owner of the property where such damage was caused.
- j) Time of Installation. Installation of all new water meters in all newly constructed premises shall be immediately following substantial completion of the building and as determined by the Director of Public Works.
- k) Meter Maintenance. All water meters intended for measuring the water supplied by the City shall be maintained and tested in accordance with procedures and schedules as provided in the American Water Works Association's "Standard for Testing Cold Water Meters", as adopted May 20th, 1960, and any amendments thereafter and as published in AWWA Circular C705-60. In no case shall any meter be maintained less than once in every fifteen (15) years by the Director of Public Works or person designated by him.
- l) Remote Meter Readers. Effective December 1, 1981, remote meter readers shall be installed along with all new, replacement, or repaired water meter installations. For the addition and installation of remote readers to an existing non-remote reader, water meter installation, a fee of Twenty Dollars (\$20.00) shall be assessed for each installation. Payment of the assessed Twenty Dollar (\$20.00) fee shall be added to the next regular quarterly water bill and further may, at the discretion of the property owner, be spread equally over the next four (4) successive water billing periods. Delinquent bills for the installation of remote readers shall be processed similarly as a regular water bill and in accordance with Sections 7.15 and 7.19. Installation of the remote reader shall be by and under the direction of the Director of Public Works or a person designated by him. All remote readers shall be located on the front side of the building/premise served and approximately five (5) feet above common ground level or as otherwise approved by the Director of Public Works and so as to be visually accessible at all times from the adjacent front street. All new buildings/ premises to be served by a water meter installation may be required to install a one-half (½) inch metal conduit for the remote meter wiring from the point of the meter location to the point of the remote reader location, if deemed necessary by the Director of Public Works.
- m) Large (Compound and Turbine) Meter Installation. All new construction and retrofit large (compound and turbine) meter installations shall conform to the City of DeKalb standards for large meter installations. The City's standard is equivalent to the Rockwell Meter Company's Compound and Turbine meter Pre-Fab-Pak system or approved equal and as provided below.
  - 1. There shall be twelve inches (12") of free space in all directions surrounding the meter including 12" from the floor of the structure. This free space shall be measured from the maximum meter dimensions.
  - 2. There shall be reasonable free access to the bypass and shutoff valves, and water meter. "Reasonable Free Access" is to be determined by the Director, or his designee, on a case-by-case review.

3. The Director, or his designee, shall review and approve all new construction and retrofit plans involving water service lines, water meter installations and changes in walls, etc., that might encroach upon the required water meter access.
  4. The Director, or his designee, reserves the right, after notice, to deny water service until the above-mentioned standards are met pursuant to Section 7.27 below.
- n) Single Site Multiple Users. At single site locations where multiple (two or more) users exist, or are contemplated, one of the four following installation criteria shall be met for compliance with the City regulations for the proper installation of the water service, meter, and billing registration.
1. ONE SERVICE EACH USER, ONE METER EACH USER. One service with a curb box, shut off valve and a separate meter to each user with the water bill obligation and mailing address to the single site property owner; or
  2. ONE COMMON SERVICE, ONE METER EACH USER. One common service with a curb box, shut-off valve, and a separate meter to each user with the water bill obligation and mailing address to the single site property owner for each user and with a separate shut-off valve and box for each user shall be easily and legally accessible on the outside of the premise to be served and in addition to the common service shut-off valve and box. Said separate shut-off valve and box for each user shall be immediately adjacent to and after the point of separation or split from the common service line. In addition, the responsible single site property owner shall be clearly defined in writing as to the responsible party for that portion of the private common water service between the City main and the point of separation to the multiple, individual service users. Said responsible parties, name, address, and telephone number shall be provided the City in writing prior to permit for this particular type of single site multiple user installation; or
  3. ONE SERVICE, ONE MASTER METER FOR ALL USERS. One service with a curb box, shut off valve and one master meter with the water bill going to the single site property owner, for all users at the multiple user single site; or
  4. ONE COMMON SERVICE WITH ONE METER BOX FOR EACH METER ROOM). One common service with a curb box and shut off valve to the multiple user single site facility with an approved interior heated meter room enclosure with individual meters for each individual user of the single-site multiple user complex split-off from the main service and with locking shut off valves both before and after each meter shall be utilized. In addition, the meter room provided shall be accessible from the exterior and an access key provided to the Water Department for service and reading purposes. The water bills shall be the obligation of the one single site property owner for all multiple water users. Remote readers shall be required for all meter installations. All multiple meter installations shall be installed within close proximity to each other and to the main service distribution line point of entry to the single-site multiple user tenement, building or premise to be served. All multiple user meter installation arrangements shall each be protected with the appropriate approved backflow protection device as required and adequate space and piping arrangements allowed for.

The responsible owner shall be clearly defined in writing as to the responsible party for that portion of the private water service between the City main and meter room in case of needed repair. Said responsible party's name, address and telephone number shall be provided the City in writing prior to permit for this particular type of single site multiple user installation.

- o) Miscellaneous Meter Fees. Property owner(s) shall be responsible for the cost of repair to any meter damaged by reason of carelessness or improper protection in addition to a Seventy-Five Dollar (\$75.00) service call fee.
- p) Final Meter Reading. There shall be a fee of Fifteen Dollars (\$15.00) for each final meter reading.
- q) Hydrant Temporary Use Fee. Any person who desires temporary access to City water from a fire hydrant shall be subject to the following fees:
  - \$1,200.00 deposit for hydrant meter assembly;
  - \$ 100.00 hydrant use fee; and
  - Two times the current water rate as provided for in Section 7.18.

## 7.18 WATER RATES.

- a) Rates to be charged for water supplied from the municipal water system shall be based on metered water usage which shall be billed bi-monthly.
- b) The rates for water usage shall be as follows:
  - ~~i. For all water consumed or used commencing April 1, 2016, and billed commencing July 1, 2016, the consumer shall pay \$3.22 per 100 cubic feet.~~
  - ~~ii. For all water consumed or used commencing April 1, 2017, and billed commencing July 1, 2017, the consumer shall pay \$3.36 per 100 cubic feet.~~
  - ~~iii. For all water consumed or used commencing April 1, 2018, and billed commencing July 1, 2018, the consumer shall pay \$3.52 per 100 cubic feet.~~
  - ~~iv. For all water consumed or used commencing April 1, 2019, and billed commencing July 1, 2019, the consumer shall pay \$3.67 per 100 cubic feet.~~
  - ~~v. For all water consumed or used commencing April 1, 2020, and billed commencing July 1, 2020, the consumer shall pay \$3.84 per 100 cubic feet.~~

For all water consumed or used commencing April 1, 2024, and billed on the July 1, 2024, bill cycle, the consumer shall pay \$4.36 per 100 cubic feet of water.

For all water consumed or used commencing April 1, 2021, and thereafter the water rate to be charged on all water bills issued shall be subject to a positive adjustment annually using the increase, if any, in the most recent Consumer Price Index (CPI) – All Urban Consumers for the Chicago, ~~Gary and Kenosha region~~ Naperville- Elgin region. This amount shall be derived using the United States Bureau of Labor Statistics information and will be effective April 1 for the July 1 billing. Notwithstanding the foregoing to the contrary, except as may otherwise be provided by ordinance, no annual increase shall be greater than three and one-half percent (3.5%) of the preceding year. Such rate change shall be implemented by the authority of the Director of Public Works without need for further approval by the City Council.

- c) Water rates to be charged senior citizens aged sixty-two (62) years or older, and citizens who are head of household with a medical disability or chronic illness that prevents gainful employment for a minimum period of three (3) months with a gross annual income at or below section 8 Poverty Level Very Low (50%) Income Limits for the City of DeKalb, Illinois, and who annually submit a completed and signed application form and a photocopy of the applicant's

most recent federal income tax return (or other proof of income) and, in the case of medical disability or chronic illness, a physician's statement or disability paperwork, shall be charged a discount of 70% of the water rate (they pay 30% of the rate) and a 70% discount on the service fee.

- d) Service outside the City shall be at a rate of 50% greater than the rate for the same service in the City.
- e) An additional charge of 15% shall be added to all water bills not paid by the 21st day of the month in which the same becomes due.
- f) Barb City Manor shall be charged a water rate of a 70% discount of the City's current rate for water usage and the flat service fee.

#### 7.18-6 WATER SERVICE FEE.

~~a) Effective March 1, starting in 2021, a bi-monthly water service fee shall be charged on all water bills in accordance with the following schedule:~~

| Meter Size             | 2020                                      | 2021                |
|------------------------|-------------------------------------------|---------------------|
| <del>5/8" – 3/4"</del> | <del>\$13.12</del>                        | <del>\$ 13.12</del> |
| <del>1"</del>          | <del>\$13.12</del>                        | <del>\$ 13.12</del> |
| <del>1.5"</del>        | <del>\$20.68</del>                        | <del>\$ 20.68</del> |
| <del>2"</del>          | <del>\$20.41</del>                        | <del>\$ 20.41</del> |
| <del>3"</del>          | <del>\$37.37</del>                        | <del>\$ 52.75</del> |
| <del>4"</del>          | <del>\$54.07</del>                        | <del>\$ 63.00</del> |
| <del>6"</del>          | <del>\$70.76</del>                        | <del>\$104.00</del> |
| <del>8"</del>          | <del>No meters currently this size.</del> | <del>\$193.00</del> |
| <del>10"</del>         | <del>No meters currently this size.</del> | <del>\$365.00</del> |

a) Commencing April 1, 2024, and billed on the July 1, 2024, bill cycle, the bi-monthly water service fee charged on all water bills shall be in accordance with the following schedule:

| Meter Size  | 2023     | 2024     |
|-------------|----------|----------|
| 5/8" – 3/4" | \$14.42  | \$14.90  |
| 1"          | \$14.42  | \$14.90  |
| 1.5"        | \$22.73  | \$23.48  |
| 2"          | \$32.32  | \$33.39  |
| 3"          | \$57.97  | \$59.89  |
| 4"          | \$69.24  | \$71.53  |
| 6"          | \$114.30 | \$118.07 |
| 8"          | \$212.12 | \$219.12 |
| 10"         | \$401.16 | \$414.40 |

~~The bi-monthly water service fee shall be subject to a positive adjustment annually using the increase, if any, in the most recent Consumer Price Index (CPI) – All Urban Consumers for the Chicago- Naperville- Elgin region. This amount shall be derived using the United States Bureau of Labor Statistics information and will be effective April 1 for the July 1 billing. Notwithstanding the foregoing to the contrary, except as may otherwise be provided by ordinance, no annual increase shall be greater than three and one-half percent (3.5%) of the preceding year. Such rate change shall be implemented by the authority of the Director of Public Works without need for further approval by the City Council. This fee will increase according to the schedule above each April 1. Beginning March 1, 2021, the rate to be charged on all water bills issued shall be subject to a positive adjustment annually using the increase, if any, in the most recent Consumer Price Index (CPI) – All Urban Consumers for the Chicago, Gary and Kenosha region. This amount shall be derived using the United States Bureau of Labor Statistics information. Notwithstanding the foregoing to the contrary, except as may otherwise be provided by ordinance, no annual increase shall be greater than three and one-half percent (3.5%) of the preceding year. Such rate change shall be implemented by the authority of the Director of Public Works without need for further approval by the City Council.~~

#### **7.18-7 DELETED.**

#### **7.18-8 DELETED.**

#### **7.18-9 ACCOUNTS.**

The City of DeKalb Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transaction relative to the water 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 water 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:

1. Flow data showing total gallons received at the water plant for the current fiscal year.
2. Billing data to show total number of gallons billed per fiscal year.
3. Debt service for the next succeeding fiscal year.
4. Number of users connected to the system.
5. Number of non-metered users.

#### **7.19 PROCEDURES FOR BILLING AND TERMINATION OF SERVICE.**

- a) All property owners, where water is consumed, shall be billed every two (2) months according to routes set by the Director of Public Works. Bills for any given route shall be issued by the first day of the month in which water bills become due. Payment is due on or before the twenty-first (21st) day of that month. Bills not paid by the twenty-first (21st) day of the month shall be deemed delinquent and an additional charge of fifteen per cent (15%) shall be added to the bill. Thereafter, a delinquency notice shall be sent to the property owner via first class mail and the notice shall state the dates for which utility services were furnished and the amount presently due, including all additional charges.
- b) If the customer fails to pay the full amount of any and all unpaid charges and fees within ten (10) days after date of delinquency/termination notice, the customer will be assessed a One Hundred Dollar (\$100.00) penalty and water service will be terminated.
- c) The delinquency/termination notice shall inform the customer of the following:

1. The total amount of any unpaid charges, including the amount of the original bill for utility services and the 15% delinquent fee.
  2. The date and time by which the unpaid charges must be paid.
  3. That a penalty in the amount of One Hundred Dollars (\$100.00) will be assessed if all charges are not paid in full by the stated date.
  4. That water service termination shall commence after ten (10) days from the date of the delinquency/termination notice.
  5. The procedure for obtaining a review of charges for utility services.
- d) A customer may obtain a review of charges for water service as follows:
1. By submitting a written request to the Water Billing Division requesting an adjustment conference within seven (7) days of the date of the notice.
  2. An adjustment conference shall be held not less than three (3) days nor more than ten (10) days after receiving written notice from the customer requesting the conference.
  3. If within seven (7) days of the date of the termination notice, the customer has not either given written notice requesting an adjustment conference or paid the full amount of the unpaid bill, it shall be deemed that he has waived the right to the adjustment conference, and the unpaid amount of the bill shall be due immediately, including all additional penalties and charges as described above.
- e) After a review of the unpaid bill at the adjustment conference, the Finance Director shall determine the amount due and shall inform the customer of his decision in writing via first class mail within three (3) business days. Unless other arrangements for payment are made with the Finance Director, the amount due shall be paid within seven (7) days. If the customer fails to make any payments when due, the water service shall thereupon be subject to being terminated immediately without further notice, until all payments then due are made. The Finance Director shall have full authority to make binding agreements concerning amounts due, if any, and may agree to payment and any other terms which he deems to be in the best interests of the City.
- f) If the customer fails either to give written notice requesting an adjustment conference or to pay the full amount of the unpaid bill within the prescribed time period, such customer's service shall be subject to termination.
- g) After the customer's service has been terminated, a notice shall be posted on the building declaring it as unfit for human occupancy as defined in the International Property Maintenance Code Section 108.1.3 as adopted by Chapter 13 of this Code.
- h) Any customer whose water service is terminated pursuant to this Section 7.19, may have the service restored by paying all amounts shown due on the termination notice.
- i) The Finance Director may designate others within his department to exercise powers and perform functions in this Section 7.19.
- j) The additional late charge of 15% as required in 7.19 (a) above shall not be assessed to property tax levy supported units of local government, state agencies and Northern Illinois University.

- k) Liens may be recorded against all properties where the water service has been terminated in accordance with the procedures set forth in Section 7.15.
- l) When work is performed by the City in terminating service for nonpayment of a bill, the City will not restore landscaping.
- m) The City assumes no responsibility for damages that may occur as the result of the customer's water being terminated.
- n) Failure to receive any notice regarding delinquent bills or termination of service does not exempt the customer from termination of service.

#### **7.20 RATES TO CONTRACTORS.**

- a) The rates to be charged for water supplied by the City to contractors for use in the construction of buildings are to be paid as established and set forth in Chapter 24.04.
- b) Any person engaged in contracting, building and construction, shall before tapping any City main or connecting with any hydrant for the purpose of obtaining water from the City for construction purposes, shall pay, in addition to the appropriate applicable Tap and Meter fees and/or the Fire Hydrant Hook-Up with Backflow Preventer Fee, the above water use fee as specified.
- c) Fire Hydrant Hook-up with Backflow Preventer - See Section 7.17, Subsection o).

#### **7.21 INTERFERENCE WITH HYDRANTS.**

All hydrants installed in the City for the purpose of extinguishing fires are hereby declared to be public hydrants. No person other than a member of the Water Department or the Fire Department in connection with the work of the Fire Department, or person authorized by the Director of Public Works shall open any hydrants or in any manner interfere with or injure any of the same.

#### **7.22 MAINTENANCE OF HYDRANTS.**

The Director of Public Works shall inspect or cause the water hydrants to be inspected and keep and maintain the same in good and efficient working condition.

#### **7.23 OBSTRUCTION OF APPLIANCES.**

No person shall obstruct the access to any stop cock, hydrant, or valves connected with any water pipes within any street or other public place by means of any building material, or any other article, thing, or hindrance.

#### **7.24 INTERFERENCE WITH METERS.**

- a) No person, unless authorized by the Director of Public Works shall connect, disconnect, remove, repair, or otherwise disturb any water meter, nor shall any person turn on the supply of water to a service pipe, from which the supply has been turned off by the Director of Public Works.
- b) No person, unless authorized by the Director of Public Works, shall break, remove or in any way tamper with any seal which shall have been placed in or attached to any water meter or any pipe or fixture connected therewith by the Water Department.

#### **7.25 WATER USE IN EMERGENCIES.**

Whenever in the judgment of the City Manager public exigency shall require it, he shall have the authority by proclamation, to be published in a newspaper published in the City, to limit or wholly suspend and prohibit, for such length of time as such exigency shall in his judgment require, the drawing or use of water for public or private fountains, street or yard sprinkling, washing of windows, houses, or vehicles, or for any other purpose except domestic consumption or the operation of sanitary and plumbing fixtures.

No person shall during the period covered by such proclamation use or draw water from the mains of the City in violation of such proclamation.

#### **7.26 WATER LABORATORY FEES.**

The fee for each and every water coliform test provided by the City of DeKalb's Water Laboratory shall be Fifteen Dollars (\$15.00) per sample. A water laboratory test required to be performed during non-business hours shall result in an additional fee not to exceed One Hundred Dollars (\$100.00).

#### **7.27 RIGHT TO DENY WATER SERVICE.**

- a) The Water Division reserves the right after notice to deny water service to any new and retrofit users at the time of, or before meter installation, water service turn-on, or inspection approval, if found to be in violation of any of the provisions of Chapter 7 and may continue to deny water service until such time as the above noted provisions are met or approved arrangements to correct are provided for.
- b) The Water Division, after due process as defined below, reserves the right to deny water service to any existing water user if found to be in violation of any of the provisions of this Chapter 7 and may, until such time that the violation is corrected and the above noted provisions are met or approved arrangements to correct are provided for.
- c) Due process shall be deemed to have been met when the following procedure has been exercised and fully executed.
  - 1. Whenever it is determined by the Water Division that any customer is in violation of any of the above noted subsections and such violation has existed for a period of seven (7) calendar days following said initial verbal or written notice of violation, and no corrective action has been taken, the Director, or his designee, shall send a written notice of such violation and discontinuance of service by certified mail to the customer at his billing address. In case of rental properties, a notice shall be provided to both the user and the registered owner at their last known mailing address. The notice of violation and discontinuance of service shall state the violation(s) and the recommended correction as well as the procedure applicable to correcting and resolving the violation(s). Said notice of violation and discontinuance of service shall contain a maximum time of fifteen (15) calendar days from date of written notice to correct the violation or to make an approved arrangement with the Director, or his designee, for an orderly and acceptable correction of the violation(s).
  - 2. Any customer who fails to respond to the notice of violation and discontinuation of service within the above noted period, either by correcting the violation or arranging for an approved agreement with the Director, or his designee, shall be given a final written notice, by certified mail, of violation and pending water service discontinuance. Said notice shall be effective for water discontinuance within seven (7) calendar days from date of written final notice.

3. Any customer whose water service is discontinued pursuant to the above paragraph may have the service restored by either correcting said violation or posting an approved cash bond in an amount of 150% of the approved estimated cost to correct the violation within ten (10) calendar days from the date of acceptance by the Director, or his designee, of the cash bond, and receipt of payment of a double "turn-on" fee as set forth in Section 7.17 herein, in addition to and in accompaniment of the bond.

#### **7.28 CROSS CONNECTION CONTROL.**

- a) If, in accordance with the Illinois Plumbing Code or in the judgment of the Director, an approved backflow prevention device is necessary for the safety of the public water supply system, the Director shall give notice to the water customer to install such an approved device. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code and all applicable local regulations, and shall have annual inspections and tests made of such approved devices as required by the Illinois Plumbing Code and local regulations.
  1. No person, firm or corporation shall establish or permit to be established or maintain any connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the City of DeKalb, may enter the supply or distribution system of said City, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Director and the Illinois Environmental Protection Agency.
  2. It shall be the duty of the Director to cause surveys and inspections to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and inspections shall be made a matter of public record and shall be conducted at least every two (2) years, or as often as the Director shall deem necessary. Records of such surveys shall be maintained and available for review for a period of not less than five (5) years.
  3. The approved cross connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City of DeKalb for the purpose of verifying the presence or absence of cross connections, and that the Director shall have the right to enter at any reasonable time, any property served by a connection to the public water supply or distribution system of the City of DeKalb for the purpose of verifying information submitted by the customer regarding the required cross connection control inspection. On demand, the owner, lessees, or occupants of any property so served shall furnish to the Director any information which he may request regarding the piping system or systems or water use on such property. The refusal to provide such information, when requested, shall be deemed evidence of the presence of improper connections as provided in this ordinance.
  4. The Director of Public Works of the City of DeKalb is hereby authorized and directed to discontinue, after notice to the occupant thereof, the water service to any property wherein any connection exists in violation of the provisions of this ordinance, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains.
- b) Definitions. The following definitions shall apply in the interpretation and enforcement of these regulations:

"Agency" means Illinois Environmental Protection Agency.

"Approved" means backflow prevention devices or methods of installation approved by the City of DeKalb based on the Research Foundation for Cross Connection Control of the University of Southern California, American Water Works Association, American National Standards Institute, American Society of Sanitary Engineers or certified by the National Sanitation Foundation.

"Auxiliary Water Systems" means a source of water outside the city's public water supply system. No connection to the city's public water supply system shall be made with any other water system without the approval of the Director or his designee.

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

"Backflow Prevention Device" means any device, method or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

"Consumer" or "Customer" means the owner, official custodian, or person in control of any premises supplied by or in any manner connected to a public water system.

"Consumer's or Customer's Water System" means any water system serving the premise, commencing at the point of connection with the city's watermain as stated in Section 7.11 of this Chapter.

"Contamination" means the introduction into water of microorganisms, chemicals, wastes or wastewater in a concentration that makes water unfit for its intended use.

"CCDI" (Cross connection Control Device Inspector) means a person who is a licensed plumber in the State of Illinois and has successfully completed both written and performance examinations administered by the IEPA.

"Double Check Valve Assembly" means an assembly composed of single, independently acting check valves, including tight shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.

"Double Check Valve Assembly with Detector Check" means an assembly which measures water usage for urban fire safety systems.

"Fixed Air Gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

"Health Hazard" means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health of the user that could be expected to result in death or significant reduction in the quality of life.

"Inspection" means a plumbing inspection to examine all materials, fixtures, piping and appurtenances, appliances, and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill Adm. Code 890.

"Local Authority" means Mayor and City Council of the City of DeKalb.

"Non-potable Water" means water not safe for drinking, personal or culinary use as determined by the requirements of 35 Illinois Administration Code 604.

"Plumbing" means the actual installation, repair, maintenance, alteration, or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances, and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building where a person(s) lives, works or assembles. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping fixtures, appurtenances and appliances for a building drain and a sanitary drainage and related ventilation system of any building(s) where person(s) live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.

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

"Potable Water" means water which meets the requirement of 35 Ill Adm. Code 604 for drinking or any other domestic purpose.

"Potential Cross connection" means a fixture or appurtenance with threaded hose connection, tapered spout or other connection which would facilitate extension of the water supply beyond its legal termination point.

"Process fluid(s)" means any fluid or solution which may be chemically or otherwise contaminated or polluted in a form or concentration such as to constitute a health, pollution or system hazard it introduced into the public or a consumer's potable water system. This includes, but is not limited to:

1. polluted or contaminated waters
2. process waters
3. used waters originating from the public water supply system which may have deteriorated in sanitary quality
4. cooling waters
5. questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems
6. chemicals in solution or suspension
7. oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes or for fire fighting purposes

"Public Water Supply System" means all mains, pipes and structures owned and/or maintained by the City of DeKalb through which water is obtained and distributed to the public, including wells and well structure, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing potable water.

"Reasonable Notice" is the time interval whereby the Director, in the exercise of good practice, finds it acceptable to order a water consumer to correct an unprotected cross connection and/or any violation of contamination. Such notice shall be pursuant to Section 7.27 of this Chapter.

"Reduced Pressure Zone Principal Backflow Prevention Device" (RPZ) means a device containing a minimum of two independently acting check valves, together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

"Service Connection" means the physical connection to the watermain including all fittings and appurtenances through which water is supplied to the consumer.

"Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey shall be completed on a form supplied by the City of DeKalb.

- c) Cross Connection Control, General Policy. The purpose of these rules and regulations is:
  - 1. To protect the public water supply system from contamination or pollution by isolating from the customer's water system, contaminants or pollutants which could backflow through the service connection into the public water supply system.
  - 2. To promote the elimination or control of existing cross connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable quality.
  - 3. To provide for the maintenance of a continuing program of cross connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.
- d) Application. These rules and regulations shall apply to all premises served by the Public water supply system of the City of DeKalb.
- e) Policy. The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the Director, an approved backflow prevention device is necessary for the safety of the public water supply system, the Director shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer, after due written notice and within the prescribed time indicated on the notice, shall install such approved device(s) at his own expense. Failure or refusal on the part of the consumer to install such device(s) within the time indicated on the notice, shall constitute grounds for discontinuing water service to the premises until such device(s) have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required herein.
- f) Cross Connection Prohibited.
  - 1. Connections between the public water supply system and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross connection control devices or methods are installed, tested, and maintained to insure proper operation on a continuing basis.

2. No connection shall be permitted between the public water supply system and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency and/or the City of DeKalb.
3. There shall be no arrangement or connection by which contamination may enter the public water supply system.

g) Survey and Investigations.

1. The consumer's premises shall be open at reasonable times to the certified cross connection control device inspector (CCDI) for the inspection of the presence or absence of cross connection within the consumer's premises and testing repair and maintenance of cross connection control devices within the consumer's premises.
2. On request by the Director or his designee, the consumer shall furnish information regarding the piping system or systems for water use within the consumer's premises and cross connection inspection results. The consumer's premises shall be open at reasonable times to the Water Superintendent for the verification of information submitted by the consumer regarding the piping system or systems for water use and cross connection inspection results.
3. It shall be the responsibility of the consumer to arrange a survey to be made on a set period of time not to exceed an annual survey of water use practices on the consumer's premise to determine whether there are actual or potential cross connections to the consumer's water system through which contamination or pollution could backflow into the consumer's or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Illinois Revised Statutes, 1987, Chapter 111, Paragraph 1193 (l), and as amended from time to time.
4. It is the responsibility and financial obligation of the consumer to prevent backflow into the public water supply system by ensuring that:
  - (a) All cross connections are removed or approved cross connection control devices are installed for control of backflow and back-siphonage.
  - (b) Cross connection control devices shall be installed in accordance with the manufacturer's instructions.
  - (c) Cross connection control devices shall be inspected at least annually by a person approved by the Agency as a cross connection control device inspector (CCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions on an annual basis.

h) Testing and Records.

1. Each device shall be tested at least annually by a certified CCDI or more frequently if recommended by the manufacturer or Director.
2. Original records submitted to the Director shall be available for inspection by Agency personnel in accordance with Illinois Revised Statutes, 1987, Chapter 111-1/2, Paragraph 1004 (e). These original records shall be maintained by the City of DeKalb.
3. Each device shall have a tag attached listing the date of the most recent test, name of CCDI and type and date of repairs.

4. A maintenance log shall be maintained and include:

- (a) date of each test;
- (b) name and approval number of person performing the inspection or test;
- (c) test results/inspection;
- (d) repairs or servicing required;
- (e) repairs and date completed; and,
- (f) services performed and dated complete.

i) Confidential Information.

1. Water consumers that file reports with the City may request that portions of a report which may disclose trade secrets or proprietary processes shall not be made available for inspection by the public. Confidential portions shall be made available upon written request to the government agencies for uses related to this Chapter. Portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the water consumer furnishing the report.
2. Any information accepted as confidential shall not be transmitted to the general public until and unless written notification is given to the consumer. It shall be the responsibility of the consumer to prove confidentiality to the City by timely presenting the basis for such a claim of confidentiality. The City shall not be required to make data available to the public except in accordance with the DeKalb Municipal Code and the Illinois Freedom of Information Act, Illinois Revised Statutes, Ch. 116, Section 201 et seq. (1987).
3. Nothing herein shall be construed to limit or restrict any consumer from exercising any right it may have to object to any request by the City for confidential information from such user.

j) Where Protection is Required.

1. An approved backflow prevention device shall be installed on each water service line to a consumer's water system, when in the judgment of the Director, actual or potential hazards to the public water supply system may exist.
2. An approved backflow prevention device shall be installed on each water service line to a consumer's water system where the following conditions exist:
  - (a) Premises having an auxiliary water system unless such auxiliary water system is accepted as an additional source by the Director and the source is approved by the Agency and Local Authority.
  - (b) Premises where any substance(s) exist which can create an actual or potential hazard to the public water supply system.
  - (c) Premises having internal cross connections that, in the judgment of the Director are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross connections exist.
  - (d) Premises where, because of security requirement or other prohibitions or restrictions, it is impossible or impractical to make a complete cross connections survey.

- (e) Premises having a repeated history of cross connections being established or reestablished.
3. An approved backflow prevention device shall be installed on each water line to a consumer's water system serving but not necessarily limited to, the following types of facilities unless the Director determines that no actual or potential hazard to the public water supply system exist:
- (a) Hospital, mortuaries, clinics, nursing homes
  - (b) Laboratories
  - (c) Sewage treatment plants, sewage pumping stations or storm water pumping stations
  - (d) Food or beverage processing plants
  - (e) Fertilizer/Chemical plants
  - (f) Metal plating industries
  - (g) Petroleum processing or storage plants
  - (h) Radioactive material processing plants or nuclear facilities
  - (i) Car washes
  - (j) Lawn sprinkler systems
  - (k) Type of Protection Required.
- 1. The type of protection required shall depend on the degree of hazard which exists as follows:
    - a) An approved fixed air gap shall be installed where the public water supply system may be contaminated causing a severe health hazard.
    - b) An approved fixed air gap or an approved reduced pressure zone principal backflow prevention device shall be installed where the public water supply system may be contaminated causing a system or health hazard.
    - c) An approve fixed proper air gap separation or an approved reduced pressure zone principal backflow prevention device shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard dangerous to health.
  - 2. The type of protection required under Section 7.11 of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principal backflow prevention device.
  - 3. Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principal backflow preventers shall be installed between the fire sprinkler systems connected to the public water supply system when:
    - a) the sprinkler system contains antifreeze and/or chemical additives.

- b) water may be pumped into the system from another source and/or non-potable water supply or can be connected to the sprinkler system.
- l) Backflow Prevention Devices. All backflow prevention devices, methods, installation, and maintenance required by these rules and regulations shall be approved by the Director.
  - 1. Approval shall be based on the Research Foundation for Cross Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering or American National Standards Institute or certified by the American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specifications. A manufacturer's maintenance manual shall be available on-site.
- m) Inspection and Maintenance.
  - 1. It shall be the duty of the consumer at premises on which backflow prevention devices required by these regulations are installed, to have inspection, tests, maintenance, and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.
    - (a) Fixed proper air gap separations shall be inspected at the time of installation and at least annually thereafter.
    - (b) Double check valve assemblies shall be inspected and tested for tightness at time of installation and at least annually thereafter and required service performed within fifteen (15) days.
    - (c) Reduced pressure principal backflow prevention devices shall be tested at least annually or more frequently if recommended by the manufacturer.
  - 2. Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.
  - 3. Each device shall have a tag attached including the information as required by this ordinance.
  - 4. Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer within fifteen (15) days or as specified by the Director. Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without written specific authorization by the Director.
  - 5. Copies of all test results shall be forwarded to the Director at the time of each inspection as described above in this ordinance.
- n) Booster Pumps.
  - 1. Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low-pressure cut-off device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty (20) psi or less.
  - 2. It shall be the duty of the consumer to maintain the low-pressure cut-off device in proper working order and to certify to the Director at least once a year that the device is operable.

o) Violations.

1. The Director may deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Director, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists on the premises, or if a low pressure cut-off required by these regulations, is not installed or maintained in working order.
2. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Director and the required reconnection fee of \$500.00 is paid.

p) Corrective Actions.

1. Nothing herein contained shall prevent the City of DeKalb from taking such other action as it deems necessary to prevent or remedy a violation of this Chapter.

**7.30 EXTRATERRITORIAL WATER SERVICE.**

- a) Effective March 1, 1999, and thereafter, any customer owning unincorporated property that is contiguous to the corporate limits of the City of DeKalb and that is being served by the City of DeKalb's public water supply system shall promptly file an unconditional petition to annex to the City of DeKalb upon any of the following events:
1. any change in the use of the property; or
  2. any change in ownership of the property or assignment of interest in the property; or
  3. the disconnection of water service to the property under 7.03-5 of this Chapter; or
  4. if none of the events under paragraphs 1, 2 and 3 have occurred before August 31, 1999, then the property owner shall file an unconditional petition to annex to the City of DeKalb by no later than September 30, 1999.
- b) If a customer should fail to file such petition to annex to the City of DeKalb within thirty (30) days following the occurrence of any of the events described in paragraphs 1, 2, 3 or 4, the City of DeKalb shall send notice to such customer indicating that water service will be disconnected to the property thirty (30) days from the date of such notice. The water service will be disconnected on such date unless the owner has filed an unconditional petition to annex prior to the expiration of such thirty (30) day period of time.

**7.31 DELETED.**

**7.32 DELETED.**

**7.40 PENALTY FOR VIOLATION.**

Any water consumer who has violated or failed to comply with any provision of this Chapter and the rules and regulations hereunder, shall be fined not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00). Each day a penalty is permitted to exist shall constitute a separate offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit

at law against the person found to have violated this Chapter or the rules and regulations and permits issued hereunder.

#### **7.41 ACCESS TO RECORDS.**

The IEPA or its authorized representative shall have access to any books, documents, papers and records of the City of DeKalb which are applicable to the City of DeKalb system of user charges for the purposes of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the Loan Agreement and Rules or any State Loan.

#### **7.42 DEFINITIONS**

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

##### **Federal Government**

“Federal Act” means the Federal 1996 Safe Drinking Water Act Amendments” Administrator” means the Administrator for the U.S. Environmental Protection Agency.

##### **State Government**

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

“Director” means the Director of the Illinois Environmental Protection Agency.

“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.

##### **Local Government**

“Ordinance” means this ordinance.

“The City of DeKalb” means the City of DeKalb, Illinois.

“Approving Authority” means the Administrative Services Director of the City of DeKalb.

##### **Person**

This 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.

##### **Clarification of Word Usage**

“Shall” is mandatory; “may” is permissible.

##### **Water and Its Characteristics:**

“ppm” shall mean parts per million by weight.

“Milligrams per Liter” shall mean a unit of the concentration of water 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 analysis.

“pH” shall mean the logarithm (base 10) of the reciprocal of the hydrogenion concentration expressed by the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

“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 a curb stop.

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

“Service Box” shall mean a valve box used with corporation or burb cock.

### **Types of Charges**

“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 7.18 and shall consists of the total of the Basic User Charge and the Local Capital Cost if applicable.

“User Charge” shall mean the basic assessment levied on all users of the public water system.

“Debt Service Charge” shall be the amount to be repaid each billing period for payment of principal, interest, and coverage of loan or bonds outstanding.

“Capital Improvement Charge” shall mean a charge levied on users to improve, extend or reconstruct the water works.

“Local Capital Cost Charge” shall mean charges for costs other than the Operation, Maintenance, and Replacement costs, i.e., debt service and capital improvement costs.

“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.

“Useful Life” shall mean the estimated period during which the water works will be operated.

“Water Fund” is the principal accounting designation for all revenues received in the operation of the water system.