

## Chapter 13.16

**WATER**

## Sections:

13.16.010	Turning on - Authority.
13.16.020	Turning on - Application.
13.16.030	Turning on - Plumbing requirement.
13.16.040	Service connection - Requirements generally.
13.16.050	Connections fees.
13.16.055	Repair and testing of residential backflow prevention devices.
13.16.060	Resale prohibited.
13.16.070	Tampering with city waterworks or meters prohibited.
13.16.080	Penalty for violation of Sections 13.16.010 through 13.16.070.
13.16.090	Service pipes - Installation by owner.
13.16.100	Service pipes - Installation subject to plumbing regulations.
13.16.110	Service pipes - Maintenance.
13.16.115	Service pipes - Abandonment
13.16.120	Service pipes - Excavations for installing.
13.16.130	Service pipes - Shutoff boxes required.
13.16.140	Penalty for violation of Sections 13.16.090 through 13.16.135.
13.16.145	Access to premises – discontinuation of water service
13.16.150	Meters - Required - Rates.
13.16.155	Meters - Temporary hydrant.
13.16.160	Meters - Installation requirements.
13.16.165	Sub-metering allowed for commercial accounts.
13.16.170	Meters - Reading.
13.16.180	Meters - Unauthorized tampering prohibited.
13.16.185	Application procedures and charges.
13.16.187	Deposit - Required - Refund - Exemption.
13.16.190	Net charges for property with buildings connected to system.
13.16.200	Use of city water supply by construction contractors.
13.16.205	Water conservation.
13.16.210	Bills for waters used - Rendering Payment period.
13.16.215	Disconnect Notice Fee.
13.16.220	Shutoff for nonpayment of bills.
13.16.230	Lien - Notice of delinquency.
13.16.240	Foreclosure of lien.
13.16.250	Penalty for violation of Sections 13.16.150 through 13.16.240.
13.16.300	Water well defined.
13.16.310	Prohibiting the use of groundwater as a potable water supply.
13.16.315	Deleted In Its Entirety.
13.16.317	Use of groundwater as a potable water supply prohibited.
13.16.320	Abandonment of water wells required.
13.16.330	Injunctive relief and other remedies.
13.16.340	Penalties and costs.
13.16.350	Definitions.

**13.16.010 Turning on - Authority.**

No water from the city water supply shall be turned on for service into any premises by any person but the Director of Public Works or some other person authorized by him to perform this service. (Ord. 2006-M-76 § 1; Prior code § 15.101).

**13.16.020 Turning on - Applications.**

Applications to have water turned on shall be made in writing to the Building and Zoning Division and shall contain an agreement made by the applicant to abide by and accept all of the provisions of this chapter as conditions governing the use of the city water supply. (Ord. 2006-M-77 § 1; Prior code § 15.102.)

**13.16.030 Turning on - Plumbing requirement.**

No water shall be turned on for service in premises in which the plumbing does not comply with the provisions of this code relating thereto; provided, that water may be turned on for construction work in unfinished buildings, subject to the provisions of this chapter. (Prior code § 15.103.)

**13.16.040 Service connection - Requirements generally.**

- A. No connections with a water main shall be made without a permit being issued and twenty-four forty-eight hours' notice having been given to the Environmental Services Superintendent.
- B. All such connections shall be made by or under the supervision of the Environmental Services Superintendent.
- C. When the meter is located within a building, type-K copper service pipe shall be installed from the curb box to the meter and shall be at least five feet under ground. No installation shall be covered until it has been inspected by the Building Commissioner or his designee and found to be satisfactory.
- D. No connection shall be made by any person or firm other than a properly licensed State of Illinois plumber bonded in the city, and approved by the Environmental Services Superintendent. All connections shall be made with a corporation stop, curb stop and curb box of a type approved for use by the Environment Services Superintendent. Every residential connection to a water main shall be equipped with a dual check valve backflow preventer furnished by the city, the cost of which shall be included in the connection fee. (Ord 2006-M-78 § 1; Ord. 1988-M-61 § 1; Ord. 1987-M-85 § 1; Ord. 1986-M-63 § 3: Prior code § 13.104.)

**13.16.050 Connection fees.**

The fee for each permit allowing connection with the city water systems shall be as follows:

A. Residential Dwelling Units

- 1. Single and multiple family dwelling units.

<u>Class</u>	<u>Description</u>	<u>Sq. Feet</u>	<u>Connection Fee</u>
1	Dwelling Unit	Over 1000	1,350
2	Dwelling Unit	Under 1000	960
3	Dwelling Unit	800 Maximum	850

**B. Other uses**

1. All users other than single or multifamily dwelling units, described in Subsection A above, shall pay a connection fee based upon the estimated daily maximum (i.e., peak) water usage as determined by the City Engineer. The Building Commissioner and/or City Engineer may require the applicant to provide an estimate certified to by an engineer licensed in the state of Illinois. The charge per gallon of daily maximum (i.e., peak) water usage for calculating the connection fee is \$1.75. In no case shall the connection fee be less than the charge for a Class 1 dwelling unit.
2. Once the actual usage begins and it is determined that the actual daily maximum (i.e., peak) water usage is larger than the estimated maximum (i.e., peak) water usage, there will then be an additional fee for the gallons over the original estimated daily maximum (i.e., peak) water usage based on \$1.75 per gallon. There will be no rebates if the actual daily maximum (i.e., peak) water usage falls below the estimated daily maximum (i.e., peak) water usage.

(Ord. 1998-M-31; Ord. 1997-M-66 § 2; Ord. 1996-M-35 § 1; Ord. 1995-M-17 § 1; Ord. 1994-M-38 § 1; Ord. 1992-M-32 § 1; Ord. 1990-M-53 § 1; Ord. 1987-M-85 § 1; Ord. 1986-M-30 § 1; Ord. 1979-M-6 § 1; Ord. 1978-M-8 § 1; Ord. 1977-M-5; Ord. 1976-M-24 § 1,2; Ord. 1976-M-19 § 1; Ord. 1976-M-16; Ord. 1974-M-2; Ord. 1973-M-1 § 1; Ord. 1972-M-45 § 1; Ord. 1972-M-42 § 1; Ord. 1968-34: prior code § 15.105.)

**13.16.055 Repair and testing of residential backflow prevention devices.**

No residential dual check valve backflow prevention device shall be repaired or tested except by the city. Dual check valve devices damaged or rendered inoperable, due to freezing or abuse, may be replaced or repaired only by the city with the expense to the city, provided no more than one such repair or replacement may be made at city expense. If more than one such repair or replacement is needed, it shall be at the customer's expense. (Ord 2006-M-79 § 1; Ord. 1988-M-61 § 1.)

**13.16.060 Resale prohibited.**

No water shall be resold or distributed by the recipient thereof from the city water supply to any premises other than that for which application has been made and the meter installed, except in case of emergency. (Prior code § 15.106.)

**13.16.070 Tampering with city waterworks or meters prohibited.**

- A. No person may connect to any public water line, tamper with or remove any meter, registering device or seal placed by the City or insert a meter by-pass without the permission of the Environmental Services Superintendent under penalty provided in Section 13.16.080.
- B. No person shall operate, open or otherwise tamper with any valve, curb stop or other device after the same has been closed for violation of any rule or regulation of the City Code, or unlawfully secure a supply of water through such valve, curb stop or other device after same has been closed for the violation of any rule or regulation of the City Code, or in any way take water for private use unlawfully or without first having secured the necessary permit from the Building and Zoning Division.
- C. No person shall open, close, adjust or interfere with a fire hydrant, valve, regulator, gauge, gate, curb stop, meter or other regulator, operating a measuring device, or appliance in or attached to the wells, tanks, reservoirs, conduits, pipes, mains, service pipes, house pipes or other pipes or apparatus of the City water supply system, with intent to cause the escape of water or to injure or destroy such property. No person shall tap, sever, open or make unauthorized connections with a main or pipe

used or intended for the transmission of water. This section does not apply to the agent or employee for the purpose of the owner or operator of the appliances referred to in this section, and does not apply to anything done by or under authority of the Fire Department. (Ord. 2006-M-80 § 1; Prior code § 15.107.)

**13.16.080 Penalty for violation of Sections 13.16.010 through 13.16.070.**

Any person, firm or corporation violating any provision of Sections 13.16.010 through 13.16.070 shall be fined not more than one thousand dollars (\$1,000.00) for each offense, and a reasonable attorney's fees, court costs, court reporter fees and other expenses of collection enforcement and/or litigation. Each day on which a violation occurs or continues shall be deemed a separate offense. (Ord. 1997-M-100 § 1; Prior code § 15.108.)

**13.16.090 Service pipes - Installation by owner.**

All service pipes from the curb stop valve to the premises served shall be installed by, and at the cost of, the owner of the property to be served or the applicant for the service. (Prior code § 15.201.)

**13.16.100 Service pipes - Installation subject to plumbing regulations.**

No service shall be installed unless it conforms to the specifications of the plumbing regulations in Chapter 15.04 of this code, which is kept on file in the office of the plumbing inspector. (Prior code 15.32.) (Ord. 2007-M-81 § 1.)

**13.16.110 Service pipes - Maintenance.**

In the event a break or leak develops in the water service pipe, the city shall be responsible for repair if such leak is located on the city's side of the shutoff valve or curb stop (between the center of the shutoff valve or curb stop and the main), and the customer shall be responsible for the repair of any leaks on the customer's side of the shutoff valve or curb stop (between the center of the shutoff valve or curb stop and the water meter location). In the event of a leak on the customer's side, if the customer refuses or fails to make necessary repairs, or in the case of an emergency as determined by the Director of Public Works or his designee, or where such opportunity is not feasible, and determined in the best interest of public health and safety, the city will make the necessary repairs at the expense of the customer. Failure of the customer to allow such repairs to be made shall be sufficient cause for discontinuance of service. (Ord. 2007-M-82 § 1; Ord. 1997-M-100 § 1; Prior code § 15.203.)

**13.16.115 Service pipes - Abandonment.**

In the event that a service pipe no longer is required to be connected to the city water supply, the service pipe shall be properly removed from connection to the city water supply. Proper removal of a service connection includes, turning off the corporation stop and severing the service pipe at the outlet side of the corporation stop. If a service pipe is not equipped with a corporation stop, disconnection of water service shall be at the discretion of the Director of Public Works or his/her designee. (Ord. 1997-M-99 § 1.)

**13.16.120 Service pipes - Excavations for installing.**

Excavations for installing service pipes or repairing the same shall be made in compliance with the provisions of the city ordinances relating to excavations in streets. (Prior Code § 15.204.)

**13.16.130 Service pipes - Shutoff valves.**

Shutoff valves or curb stops shall be placed on every domestic service pipe, and shall be located between the curb line and the sidewalk line where practical, as determined by the city, but not located in driveways. Such boxes shall be so located that they are easily accessible and shall be protected from frost. Individual service lines shall be installed at locations which require a unique fire suppression service line in

addition to the domestic water service line. All domestic and fire suppression service lines shall have shutoff valves installed in accordance with Chapter 16.44 of this code. (Ord. 2007-M-83 § 1; Ord. 1997-M-100 § 1; Prior code § 15.205.)

**13.16.135 Operation of shutoff valves or curb stops.**

No person shall shut off the water supply at the shutoff valve or curb box placed on the service pipe except the Director of Public Works or his designee. (Ord. 2007-M- 84 § 1; Ord. 1988-M-33 § 1.)

**13.16.140 Penalty for violation of Sections 13.16.090 through 13.16.135.**

Any person, firm or corporation violating any provision of Sections 13.16.090 through 13.16.135 shall be fined not more than one thousand dollars (\$1,000.00) for each offense. Each day on which a violation occurs or continues shall be deemed a separate offense. (Ord. 1997-M-100 § 1; Ord. 1988-M-33 § 2: prior code § 15.206.)

**13.16.145 Access to premises – discontinuation of water service**

- A. Authorized agents of the City of St. Charles shall at all reasonable hours have access to customer premises for the purpose of reading, repairing, examining, replacing or removing water meters connected to the City’s water distribution system.
- B. The City shall have the right to discontinue water service to the customer upon due notice given to the customer whenever access is denied or in the case the customer fails to comply, or perform any of the terms and conditions of this Chapter.

(Ord. 2002-M-87 § 1.)

**13.16.150 Meters - Required - Rates.**

All premises using the city water supply must be equipped with an adequate water meter and backflow prevention device furnished by the city, but paid for by the consumer, at the following rates:

- 1. Five-eighth inch by three-quarter inch, one hundred eighty dollars;
- 2. Three-quarter inch, by three-quarter inch, two hundred ten dollars;
- 3. One inch, three hundred dollars;
- 4. One and one-half inch, eight hundred fifty-five dollars;
- 5. Two-inch compound, one thousand eight hundred dollars;
- 6. Three-inch compound, one thousand nine hundred fifty dollars;
- 7. Four-inch compound, two thousand six hundred sixty dollars;
- 8. Fees for meters not listed over one and one-half inch will be based upon the cost to the city installed plus fifteen percent.

(Ord. 1990-M-18 § 1; 1979-M-6 § 2; Ord. 1978-M-8 § 3; Ord. 1977-M-4; Ord. 1975-M-15; Ord. 1974-M-1; Ord. 1968-33: prior code § 15.301.)

**13.16.155 Meters - Temporary Hydrant.**

Availability. Temporary hydrant meters are available to all customers upon Water Division approval and making formal application at the Finance Office. A Water Hydrant Meter Policy applies to the application and rental process. The policy is available on the City of St. Charles website or from the Finance and Public Works offices. The following fees are applicable to the rental of meters; one time administrative fee, monthly rental fee, water usage charges, and a security deposit for meter.

Acceptable use of temporary hydrant meters is for the supplying of water to: new construction, new landscaping, filling pools, or temporary hand car wash. Temporary hydrant meters shall be removed from hydrants daily. Under no circumstances, shall unattended hydrant meters be installed on hydrants overnight. Hydrant meters shall be removed when unattended.

(Ord. 2011-M-39 § 1; Ord. 1997-M-100 § 1; Ord. 1993-M-25 § 1.)

**13.16.160 Meters - Installation requirements.**

Water meters shall be installed by members of the meter department. The location of the meter shall be of easy access and will be approved by the building inspector or meter division foreman prior to installation. The customer shall provide all piping and fittings necessary to facilitate the meter installation, maintenance, and reading; including a one-hundred-twenty-five pound rated ball valve at each end of the meter and a one-half inch conduit running from the water meter location to the building exterior adjacent to the electric meter (within 3' horizontal). The meter shall be sealed upon completion of the installation. (Ord. 1998-M-90 § 1; Ord. 1979-M-24 § 1 (part): prior code § 15.302.)

**13.16.165 Sub-metering allowed for commercial accounts.**

- A. Sub-metering is allowed, as an option, on commercial (non-residential) buildings receiving service under 13.16.185, paragraph 2. A multi-use building, containing commercial and residential units, may only sub-meter the commercial units. Sub-metering is not allowed without prior review, inspection and approval by City staff.
- B. The master meter (meter directly connected to City system which feeds all sub-meters) will be City-owned and maintained. All sub-meters will be owned and maintained by the building owner. If any sub-meters are installed in a building, all usage in the building must be sub-metered (no usage in a sub-meter installation can be metered only by the master meter). The building owner shall be billed and is fully responsible for charges and connection fees for service provided to the building/property and metered by the master meter.
- C. The City takes no responsibility for the sub-meters or their reading or billing. The City shall not be party to any metering accuracy or billing dispute between occupants of the premises being sub-metered and the building owner or designee. The master meter will be read by the City according to the City's reading schedule, which may vary at City's discretion without notice to the building owner.
- D. Sub-metering equipment, when installed, must be in new condition, utility grade equipment, of reputable manufacturer, designed for the purposes used, and must meet appropriate standards for utility metering accuracy as defined by the AWWA (American Water Works Association), ANSI (American National Standards Institute), IEEE (Institute of Electrical and Electronics Engineers), or other appropriate standards agency.
- E. All sub-metering installations are subject to City inspection to assure compliance with plumbing codes and standards. City reserves the right to approve or reject sub-metering equipment, before or after installation, based on adherence with codes, installation criteria, applicable standards and this ordinance. Use of any unapproved sub-meter equipment shall make the entire building subject to disconnection of service until approval of the metering installation.
- F. All sub-meter devices shall be installed per manufacturer's recommendations. Sub-metering shall not impact the delivery of service to the sub-metered premises, i.e. improper installation or improper sizing of meters. Testing of sub-meter equipment, by qualified meter tester, is required at installation and periodically thereafter per manufacturer's standards and must meet industry standards for meter accuracy as defined by the AWWA, ANSI, IEEE, or other appropriate standards agency.
- G. The City reserves the right to terminate service to the building for lack of compliance with any provision of this Section.

(Ord. 2010-M-54 § 1.)

**13.16.170 Meters - Reading.**

The comptroller shall cause to be read monthly every water meter used on the city distribution system so that water bills may be sent out at the proper time. (Ord. 1979-M-24 § 1 (part): prior code § 15.303.)

**13.16.180 Meters - Unauthorized tampering prohibited.**

It is unlawful for any person, not authorized by the city, to tamper with, alter, or injure any water meter or to break, loosen, or remove the seal or seals placed on the meter by the city. It shall be deemed the responsibility of the person having filed the application at the city clerk's office to protect the meter from such tampering, and said applicant shall be come liable for the imposition of penalties provided for herein in the event of such tampering as above described. (Prior code § 15.304.)

**13.16.185 Application procedures and charges.**

An application requesting water service shall be required of all customers. An application shall provide all information required by the St. Charles Municipal Utilities to process the request, including but not limited to the following:

1. Residential - Name, service address, billing address, home phone, and driver's license number;
2. General - Name of business, type of business organization, service address, billing address, phone number, owner and/or president, manager, federal taxpayer's identification number.

(Ord. 1993-M-25 § 1.)

**13.16.187 Deposit - Required - Refund - Exemption.**

- A. Deposit shall be charged to any customer, whether owner or non-owner, at any time if such customer meets any of the following criteria:
1. the customer pays late four times during the prior twelve-month period, or
  2. the utility has disconnected service within the last twelve-month period for violation of the provisions of the St. Charles Municipal Code, or
  3. the utility finds out that the application for service was falsified, or
  4. the customer has two or more returned checks during the prior twelve-month period.
- The additional deposit charged shall be in the amount equal to the aggregate of the two highest monthly billings for the twelve-month period ending immediately prior to the request for the additional deposit; or if a twelve-month period is unavailable then any portion thereof, which amount shall be reduced by the amount of the deposit on hand.

The deposits set forth above shall be repaid to such applicant when the city has discontinued the service and when all bills have been paid in full; provided, however, that if the applicant has not paid all bills owing the city for such service within thirty days after such service has been discontinued, then the city clerk shall deduct the amount of the bills so owing from the deposit and remit the balance, if any, to such applicant.

- B. All deposits made by applicants as provided in Subsection A of this Section who are not delinquent shall be refunded by the city after one year of continuous service during which the applicant has not paid late more than one time, has not had any returned checks, and has not received any disconnection notice during the latest twelve-month period. Such a deposit may be returned by crediting the customer's utility bill for the amount of deposit at the discretion of the City Comptroller.

(Ord. 1997-M-8 § 1; Ord. 1993-M-25 § 1.)

**13.16.190 Net charges for property with buildings connected to system.**

All property upon which any building has been or may be hereafter erected having a connection with the water system shall pay the following charges:

- A. General Water Service
  - 1. Customer Charge. The following customer charge is for all general service water customers:

**Customer Charge**

Meter Size	Per Month 05/01/11	Per Month for Readings on or after 10/15/11
3/4" and under	3.82	4.96
1"	4.92	6.39
1-1/4"	5.97	7.76
1-1/2"	6.88	8.94
2"	9.28	12.06
3"	14.76	19.19
4"	22.51	29.26
7-1/2"	63.57	82.64

- 2. Water Charge. The following water rates apply to all customers:  
 Base Water Rate – One dollar and eighty-two cents (\$1.82) per 1000 gallons on May 1, 2011, two dollars and eight cents (\$2.08) per 1000 gallons for readings on or after October 15, 2011.

\*Excess Seasonal Water Rate – Three dollars and eight cents (\$3.08) per 1000 gallons on May 1, 2011, three dollars and fifty-two cents (\$3.52) per 1000 gallons for readings on or after October 15, 2011.

\*Excess Seasonal Water Rate applies to customer’s first monthly billing period with an ending meter reading date on or after May 15<sup>th</sup> and the next four succeeding monthly billing periods.

The excess seasonal water rate applies to water used during the above period which is greater than 130 percent of the monthly average of water used during the winter quarter and which is greater than 6,500 gallons per month usage. All other water is billed at the base rate. New customers who have no history of water consumption during the winter quarter will be billed on the basis of actual consumption at the base rate until a winter average is determined.

(Ord. 2011-M-39 § 1; Ord. 2011-M-18 § 1; Ord. 2010-M-33 § 1; Ord. 2009-M-23 § 1; Ord. 2008-M-31 § 1; Ord. 2007-M-41 § 1; Ord. 2004-M-49 § 1; Ord. 2003-M-54 § 1; Ord. 2002-M-27 § 1; Ord. 2001-M-31 § 1; Ord. 2000-M-45 § 1; Ord. 1998-M-31 § 1; Ord. 1997-M-66 § 1; Ord. 1996-M-35 § 1; Ord. 1995-M-17 § 1; Ord. 1994-M-38 § 1; Ord. 1992-M-32 § 1; Ord. 1991-M-45 § 1; Ord. 1990-M-53 § 1; Ord. 1989-M-49 § 1; Ord. 1988-M-77 § 1; Ord. 1988-M-50 § 1; Ord. 1988-M-42 § 1; Ord. 1987-M-32 § 1; Ord. 1986-M-30 § 1; Ord. 1984-M-75 § 1; Ord. 1981-M-24 § 1; Ord. 1979-M-24 § 1 (part); Ord. 1979-M-11 § 1; Ord. 1978-M-8 § 2; Ord. 1977-M-9; Ord. 1976-M-19 § 1; Ord. 1966-12: prior code § 15.305.)

**13.16.200 Use of city water supply by construction contractors.**

During construction of any building, and before any water meter is installed, as is herein provided, the contractor so constructing such building may be permitted to use the city water supply by making application therefor, and paying the flat fee prescribed by the city council. (Prior code § 15.308.)

**13.16.205 Water conservation.**

- A. Definitions. For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the single number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
  - 1. "City" is the city of St. Charles.
  - 2. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
  - 3. "Water" is water from city public water supply system.
  - 4. "Sprinkler" is any device used to spray irrigate lawns, gardens, trees or shrubs.
- B. Application of Regulations. The provisions of this section shall apply to persons using water provided by the city, and regardless of whether any person using water shall have a contract for water service with the city.
- C. Conservation of Residential, Business and Industrial Outdoor Water Uses. All persons using city water shall adhere to the following schedules for lawn watering with sprinklers during the time period from May 1 to August 31 of each year.
  - 1. All properties with even-numbered street addresses may use water for sprinkling on even-numbered days of the month only, and all properties with odd-numbered street addresses may use water for sprinkling on odd numbered days of the month only.
  - 2. Sprinkling hours: water may be used for sprinkling only between the hours of 12:00 a.m. to 9:00 a.m. and between the hours of 6:00 p.m. and 10:00 p.m., Central Standard Time or Central Daylight Savings Time, as the case may be.
  - 3. Watering by hand-held hoses or the use of drip type irrigation watering devices are permitted any day of the month, at any time of the day for the following uses only:
    - a. Washing cars provided that all water hoses are equipped with positive shut-off nozzles.
    - b. Watering flowers, trees (including root feeders), shrubs, gardens and lawns.
    - c. Filling of wading pools under 50 gallons of capacity.
  - 4. Sod Laying and Seeded Lawn Installation Permit Requirement
    - a. No person shall lay, cause to be laid, seed or cause to be seeded any sod or seed lawn in the city, except as permitted in the manner hereinafter set forth.
    - b. A permit issued by the Director of Public Works (or his designated representative) is required for the installation of all seeded and sodded lawns. The application (a copy of which is appended hereto) for a sod laying and seeded lawn installation permit shall include the following information:
      - i) The address of the property where the sod is to be laid.
      - ii) The name and address of the owner of said property.
      - iii) The name and address of the contractor.
      - iv) The number of square feet of sod to be laid.
      - v) The date on which the sod is to be laid.
      - vi) The date the property owner will commence using water from the city water distribution system to water the sod, in accordance with the regulations set forth in this section.

- c. The issuance of a sod laying and seeded lawn installation permit shall allow the permittee to water the newly installed sod or seed utilizing sprinkling device(s) for a period of time not to exceed eight hours on the first day. For the next consecutive nine days watering shall be permitted between the hours of 5:00 a.m. to 9:00 a.m. and between the hours of 6:00 p.m. to 10:00 p.m. Following the said 10-day period, the permittee must comply with the conservation schedule set forth in paragraphs C(1) and C(2) above.
- D. Penalties: Any person who is found to have violated an order of the City Council or who has failed to comply with any provision of this chapter and the orders, rules and regulations and permits issued hereunder, shall be fined fifty dollars (\$50.00). 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.  
(Ord. 2008-M-52 § 1; Ord. 2000-M-46 § 1; Ord. 1998-M-13 § 1; Ord. 1997-M-100 § 1; Ord. 1989-M-54 § 1 & 2.)

**13.16.210 Bills for water used - Rendering - Payment period.**

Bills for water service shall be sent out monthly for all customers and shall be due and payable no less than eighteen days from the billing date. An additional charge of ten percent shall be made on all bills which have not been paid when due except that one late payment shall be allowed within each calendar year at no increase in cost. (Ord. 1992-M-44 § 1; Ord. 1984-M-75 § 1; Ord. 1979-M-24 § 1 (part): prior code § 15.306.)

**13.16.215 Disconnect Notice Fee**

If it is determined that a notice of disconnection of service shall be issued to a customer due to utility charges being over 30 days past due, a payment being returned unpaid by a bank, a deposit not being paid by the due date, and/or a violation of the terms of this Code, an additional fee (a disconnect notice fee) will be charged. This fee will escalate based on the number of disconnect notices previously issued to the customer in the last twelve months. The disconnect notice fee schedule is \$20.00 for the first notice, \$35.00 for the second notice, and \$50.00 for any subsequent notices.  
(Ord. 2011-M-31 § 1.)

**13.16.220 Shutoff for nonpayment of bills.**

- A. The City shall have the right to discontinue any utility service provided to the customer on due notice and to remove its property from the customer's premises whenever monthly City bills, or a portion thereof, remain unpaid for 30 days after the due date specified, or in case the customer fails to comply with, or perform, any of the conditions or obligations of this chapter.
- B. A customer's service so discontinued shall be connected after the customer has made settlement for City utility bills in arrears, plus any current amount outstanding at the City Clerk's office, or has, to the City's satisfaction, complied with or performed such other conditions or obligations which were in default, as the case may be. A minimum fee shall be charged equal to two times one and one-half the midpoint of the wage rate for a meter technician at the time of reconnection. In the event the City incurs expense for labor in excess of the average cost of reconnection, the City may charge that additional cost for disconnection and reconnection to the customer.  
(Ord. 2010-M-5 § 1; Ord. 1988-M-42 § 1; Ord. 1981-M-22 § 1; Ord. 1972-M-49 § 3: prior code § 15.307.)

**13.16.230 Lien - Notice of delinquency.**

- A. Whenever a bill for water service remains unpaid sixty days after it has been rendered, the city clerk shall file with the county recorder of deeds of Kane County 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 for water subsequent to the period covered by the bill.
- B. If the consumer of water whose bill is unpaid is not the owner of the premises, and the city clerk has notice of this, then notice shall be mailed to the owner of the premises, if his address is known to the clerk, whenever such bill remains unpaid for a period of thirty days after it has been rendered.
- C. The failure of the city clerk to record such lien claim 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 water bills as mentioned in the foregoing section.

(Ord. 1981-M-22 § 2: prior code § 15.309.)

**13.16.240 Foreclosure of lien.**

Property subject to a lien for unpaid water charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the city. The city attorney is 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 for water has remained unpaid ninety days after it has been rendered. (Prior code § 15.310.)

**13.16.250 Penalty for violation of Sections 13.16.150 through 13.16.240.**

Any person, firm or corporation violating any provision of Sections 13.16.150 through 13.16.240 shall be fined not more than one thousand dollars (\$1,000.00) for each offense and reasonable attorney's fees, court costs, court reporter fees, and other expenses of collection, enforcement and/or litigation. Each day on which a violation occurs or continued shall be deemed a separate offense. (Ord. 1997-M-100 § 1; Prior code § 15.311.)

**13.16.300 Water well defined.**

Water well means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise construction when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water.

(Ord. 1988-M-32 § 1.)

**13.16.310 Prohibiting the use of groundwater as a potable water supply.**

- A. Use of groundwater as a potable water supply prohibited.  
Except for such uses or methods in existence before January 22, 2008, the use or attempt to use as a potable water supply groundwater from within the corporate limits of the City of St. Charles, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition does not include the City of St. Charles nor the City of St. Charles Park District (upon approval from the City of St. Charles).
- B. Penalties.  
Any person violating the provisions of this ordinance shall be subject to a fine of up to \$100.00 for each violation.
- C. Definitions.

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

“Potable water” is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

(Ord. 2008-M-11 § 1; Ord. 2005-M-12 § 1; Ord. 1988-M-76 § 1.)

**13.16.315 Variations.**

Deleted in its entirety. (Ord. 2008-M-11 § 1; Ord. 1997-M-100 § 1; Ord. 1988-M-76 § 2.)

**13.16.317 Use of groundwater as a potable water supply prohibited.**

Except for such uses or methods in existence before the effective date of this ordinance, the use or attempted use by any person as a potable supply of groundwater from those portions of the described properties, Morrison’s Addition Lots 4 & 9, Block 5, in the City of St. Charles, commonly known as 1007 West Main Street and Morrison’s Addition Lot 3, Block in the City of St. Charles, commonly known as 1023 West Main Street that are within the corporate limits of St. Charles by the installation or drilling of wells or by any other method is hereby prohibited, including any points of withdrawal by the City of St. Charles.

(Ord. 2001-M-46 § 1.)

**13.16.320 Abandonment of water wells required.**

No water from the city water supply shall be turned on for service into any premises which have been tapped on to the city water mains, unless and until any and all existing water wells located on the premises being served shall have been abandoned and plugged in accordance with the requirements of Chapter 96 1/2, Paragraphs 5422 and 5425 of the Illinois Revised Statutes (1987 Ed) and such rules as are promulgated thereunder and applicable rules adopted for plugging and abandonment requirements which are more stringent than the rules of the Department of Mines and Minerals where such rules have been adopted by the Illinois Pollution Control Board. (Ord. 1988-M-32 § 1.)

**13.16.330 Injunctive relief and other remedies.**

- A. The city may institute a civil action for an injunction to restrain violations of this chapter.
- B. The city may, upon discovering an ongoing violation which reasonably appears to present an imminent danger to the health or welfare of persons, seek and obtain a temporary restraining order or preliminary injunction to halt or prohibit such violation. Prior to the filing of a petition or complaint seeking such relief, the offender shall be given informal notice of the city's intention to file such action. Methods of informal notice may include, but not be limited to, any of the following: personal conversation between offender and city employees, telephone calls, letters, hand-delivered messages or notices posted at the offender's premises or point of discharge. Personal contact between city personnel and the offender shall be attempted, but shall not be conditioned precedent to the city seeking a temporary restraining order or preliminary injunction. (Ord. 1988-M-32 § 1.)

**13.16.340 Penalties and costs.**

Any person, firm or corporation who is found to have violated an order of the city council or who has failed to comply with any provision of this chapter and the order, rules and regulations and permits issued hereunder, shall be fined in an amount not more than one thousand dollars (\$1,000.00). For the purpose of this section, each day in which any such violation shall occur or continue, shall be deemed a separate violation. For each separate violation, each such person, firm or corporation shall be fined an amount not to exceed one thousand dollars (\$1,000.00). In addition to the penalties provided herein, the city may recover

## **WATER**

reasonable attorneys' fees, court costs, court reporter fees and other expenses of collection, enforcement and/or litigation. (Ord. 1997-M-100 § 1; Ord. 1988-M-32 § 1.)

### **13.16.350 Definitions.**

- A. Utility Services – Electric, water, sewer, yard waste, and refuse services that are provided by the City or its designated provider.  
(Ord. 2010-M-10 § 1.)

EXHIBIT A

Permit No. \_\_\_\_\_

ST. CHARLES SOD LAYING PERMIT APPLICATION

The following application requests a variance from Ordinance 13.16.205 to allow the laying of sod. In order to receive approval of the variance ALL questions must be answered very specifically. Failure to complete any of the blanks will result on a delay in the issuance of this permit. A \$10.00 fee is required for each application.

\*\*\*\*\*

- 1. Location of the property being sodded:  
Street Address: \_\_\_\_\_  
Legal description (Lot & Block) \_\_\_\_\_
- 2. Name and address of the owner of the property listed above:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_
- 3. Information concerning the contractor laying the sod:  
Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_
- 4. Number of square feet of lawn to be sodded: \_\_\_\_\_
- 5. Date(s) on which sod is to be laid (Be as specific as possible): \_\_\_\_\_
- 6. Identify the source of water, and the method by which the water will be transported to the site for the initial two week care of the sod. If this source is pond or stream, identify specifically where the water will come from, and attach a letter of permission from the owner of the pond. Water cannot be taken from the City's water distribution system for two weeks after sod is laid.  
  
Source of water: \_\_\_\_\_  
  
Approx. amount of water (in gallons) to be used per week: \_\_\_\_\_
- 7. The date the property owner will commence using water from the City for lawn sprinkling purposes and the amount of water, in gallons which will be required for proper care in accordance with the restrictions set forth in this section.

Date \_\_\_\_\_ Approx. Amount of Water (in gallons) per week \_\_\_\_\_

The following signatures must be obtained before this application will be processed.

\_\_\_\_\_  
 \_\_\_\_\_  
 Property Owner                      Date                      Sod Contractor                      Date  
 \*\*\*\*\*

FOR OFFICE USE ONLY

Director of Public Works  
or his/her Designee \_\_\_\_\_ Date: \_\_\_\_\_ "