Title 13

PUBLIC UTILITIES[1]

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Chapter 13.04

AIR CONDITIONERS[2]

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13.04.010 Definitions.

For the purpose of these regulations, the following terms shall have, and shall be construed to have the following meanings, and the word shall, as used in this chapter, shall always be mandatory unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them by this section:

A. "Air-conditioning system" means any unit or combination of units used for the cooling of dehumidification of space for human occupancy, supplied with water through any single-customer water pipe connected to the public water system. An air-conditioning system using water separately submetered to a tenant of a building shall be considered a separate system.

B. "Conserved water-cooled unit" is one which is equipped with a water conservation device, and which can use water from the building plumbing system only for makeup water to replace water lost by evaporation or by flushing of the equipment, and which uses an average of less than twelve gallons of water from the building plumbing system per hour per ton of cooling capacity, when the unit is operating.

C. "Nonconserved water-cooled unit" is one which uses water from building plumbing systems directly for a cooling refrigerant, with discharge to waste or any other place where the water is not cooled and reused for cooling the refrigerant, or which uses an average of more than twelve gallons of water from the building plumbing system per hour per ton of cooling capacity when the unit is operating.

D. "Season" means the period from May 1st to September 30th in the same calendar year.

E. "Tons of capacity" means the total number of tons of refrigeration installed on one air-conditioning system. For the purposes of this chapter, one compressor horsepower shall be considered equivalent to one ton of refrigeration.

F. "Water conservation device" means a cooling tower, atmospheric condenser, spray pond, evaporation condenser, or other type of equipment by which water, either directly or indirectly, is cooled or recirculated, thereby limiting the use of water from the public water supply to that amount lost through evaporation.

G. "Water regulating device" means a regulating valve, or other device, the purposes of which is to limit the maximum use of water to a predetermined rate.

(Prior code § 15.401.)

13.04.020 Permit - Required - Fee.

No person shall install, operate, use, or maintain in operation any equipment or system for air conditioning which requires a supply of water from the water main system of the city (referred to in this chapter as the public water supply system) without first having procured a written permit therefor. The fee for such permit shall be in accordance with the provisions below. (Prior code § 15.402.)

13.04.030 Permit - Issuance.

A. A permit for the system installation will be issued at the city building to the owner or agent by the building official where application is in proper order.

B. Within forty-eight hours following completion of any work authorized by the permit, notice of completion shall be made to the building official.

C. After final inspection and approval of the installation, an authorization to operate or use the equipment will be issued at the city building by the building official in the name of the owner or tenant as stated on the application.

D. No system shall be operated or used unless such authorization has been issued and posted on or adjacent to such system's principal unit.

(Prior code § 15.405.)

13.04.040 Additions to system - Permit requirements.

All persons, firms or corporations who desire to install or make additions to an air-conditioning system after the effective date of the article codified in this chapter shall obtain approval of their proposed equipment and a permit therefor, in advance, from the building official. The permit charge shall be one dollar per ton of capacity of the system. All persons, firms or corporations who have installed an air-conditioning system prior to the effective date of the article codified in this chapter shall notify the building official of such existing installation. Failure to give such notice shall be considered a violation of this chapter. (Prior code § 15.403(A).)

13.04.050 Water regulating device required - Limitation on use of water.

Any air-conditioning system having five tons of capacity, or more, and installed before November 1, 1958, and any air-conditioning system having three tons of capacity or less, and installed on or after November 1, 1958, shall be equipped with a water regulating device and shall be limited to the use of water from the city mains at a rate not to exceed 0.2 gallons per minute per ton of capacity. (Prior code § 15.403(C).)

13.04.060 Five-ton capacity system - Limitation on use of water - Demand charge.

Any air-conditioning system of over five tons of capacity, installed prior to November 1, 1958, shall be equipped with a water regulating device and may use water from the city mains at a rate not to exceed 0.2 gallons per minute per ton of capacity. The owner of such system shall pay an annual demand charge of twenty dollars per ton of capacity per season for the total tons of capacity over and above five tons, unless the use of water from the city mains for such system shall be limited to a maximum of 0.2 gallons per minute per ton of capacity. This demand charge shall be in addition to the regular charges provided in Section 13.04.100. Charges shall be made for each season for any air-conditioning system not equipped and operating to limit the use of water from the city mains of 0.2 gallons per minute per ton of capacity prior to the first day of May falling within such season. (Prior code § 15.403 (D).)

13.04.070 Three-ton capacity system - Limitation of use of water.

Any air-conditioning system or additions thereto, resulting in a total capacity in excess of three tons installed on or after November 1, 1958, shall be equipped with a water regulating device and shall be limited to the use of water form the city mains and not to exceed 0.2 gallons per minute per ton of capacity, and on or after November 1, 1958, no permit shall be issued by the building official for any such above-described system, or addition thereto, unless said system is designed to limit the use of water from the city mains to 0.2 gallons per minute per ton of capacity. (Prior code § 15.403(E).)

13.04.080 Access to premises for inspection.

The building official and his duty authorized agent shall at all reasonable hours have free access to premises supplied with water for air-conditioning purposes, to examine the equipment, and to ascertain if there is more water being used then allowed by this chapter. He shall have the power and authority to require the installation of a meter furnished by the city to determine the amount of water used by any air-conditioning system. (Prior code § 15.403(G).)

13.04.090 Sanitary protection.

A. On installations which operate with the use of water directly from the public supply system, every direct connection shall be equipped with a suitable brass-body, brass fitted check valve.

B. Discharge connections for the disposal of wastewaters shall be in strict accordance with regulations.

C. Cooling waters which are to be reused for other purposes shall be provided with free, above the rim discharge, before entering other equipment; otherwise, permission shall be obtained in writing from the building official the proposed connection and use.

D. On installations other than those described above, there shall be a physical break between the public water supply piping and the piping of the installation, so arranged as to make impossible back siphonage to the public water system.

(Prior code § 15.404.)

13.04.100 Regular metered rates.

Water used for air-conditioning systems purposes shall be charged for at the regular metered rates as provided in Section 13.04.060. (Prior code § 15.403(B).)

13.04.110 Demand charges.

Demand charges shall be payable to the city clerk, and bills shall be rendered on May 1st of each calendar year, covering the current season. Demand charges shall bear the same penalties for delinquent payments as do the charges for water. (Prior code § 15.403(F).)

13.04.120 Enforcement authority - Revocation of authorization.

A. The building official shall administer and enforce this chapter and he is authorized to take such action as may be reasonably necessary to enforce the purposes and provisions of this chapter.

B. Any authorization which is issued under the regulations to operate or use equipment may be revoked by the city for any of the following reasons:

1. Failure of the owner or tenant to discontinue using water for the purpose covered by the permit, immediately upon notice to do so by the city during an emergency or to forestall an impending emergency;

2. Alterations, changes of equipment or piping, improper operation or lack of maintenance which results in conditions that:

a. Are hazardous to the potable water supply either within the premises or in supply mains, or

b. Cause unnecessary waste of water;

3. The use of water is found to exceed the quantities permitted under this chapter.

(Prior code § 15.406.)

13.04.130 Discontinuance of service.

The building official shall have the authority to discontinue the supply of water to anyone violating any of the provisions of this chapter. (Prior code § 15.407.)

13.04.140 Violation - Penalty.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Prior code § 15.408.)

Chapter 13.08

ELECTRICITY[3]

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13.08.010 Electrical department - Established - Purpose.

The City of St. Charles Electric Utility (SCMEU) shall be responsible for: generation and/or purchase, distribution and sale of electrical energy to its customers. (Ord. 1994-M-65 § 1; Prior code § 14.101.)

13.08.015 Definitions.

A. City of St. Charles Municipal Electrical Utility (SCMEU). The City of St. Charles Municipal Electric Utility (SCMEU) is an "Illinois Municipal Utility" which, since 1892 to the present time, has been owned and operated by the city of St. Charles, Illinois pursuant to a continuum of State of Illinois Constitutional and Statutory Authority (e.g., Common Law, Statutes prior to 1913; "Municipal Ownership Act" of 1913; 65 ILCS 5/11-117-1 to 11-117-14 and 11-119-1 to 11-119-5). (Ord. 1996-M-53 § 28.)

B. Customer. Any person, partnership, corporation or other legal entity that has a contractual or other arrangement with SCMEU whereby SCMEU provides service to customer premises.

C. Customer premises (CP). Any land, space or area, e.g., single family residence, apartment, condominium, store, office, factory, etc., which is to be occupied by a customer and which is served by one or more separate customer electrical distribution systems.

D. Customer Electrical Installation (CEI). Electric service apparatus, electric wiring, lighting, apparatus, and equipment of all sorts which are located on Customer premises for the utilization of electric energy distributed by SCMEU.

E. Secondary Voltage Point of Connection (SVPC). An input point of connection of a secondary voltage power source to a customer electrical installation (CEI).

F. Municipal Utility Electrical System (MUES). Land and land rights; structures and improvements; station equipment; poles, towers, and fixtures; overhead conductors and fixtures; underground conduits; underground conductors and devices; transformers; system protection; and cables, conductors, conduits, poles and apparatus of every sort by which electric energy is transmitted to customer electrical installations.

G. Customer Electrical Distribution System (CEDS). That portion of the "Municipal Utility Electrical System" apportioned to serve a "Customer Electrical Installation."

H. Primary Voltage Point of Connection (PVPC). An input point of connection of a primary voltage power source to a customer electrical distribution system.

I. Customer Connection (CC). That portion of the Municipal Utility Electrical System (MUES) connecting a Customer Electrical Distribution System to a Customer Electrical Installation.

J. New Electric Service (NES). Electric service, of any kind, to a Customer Electrical Installation (CE) not served by a Customer Connection (CC).

K. Upgraded Electric Service (UES). Any upgrade of electric service to a Customer Electrical Installation (CE).

L. Temporary Customer Connection (TCC). A temporary Customer Connection that will be removed after a short period of time, e.g., a temporary connection used during construction on Customer Premises; or a temporary connection to accommodate a casual use of premises.

M. Permanent Customer Connection (PCC). A permanent Customer Connection to an established Customer.

N. Service. "Service" is used in its broadest and most inclusive sense, and includes not only the use or accommodation afforded Customers, but also "any product or commodity furnished by SCMEU; and the plant, equipment, apparatus, property and facilities employed by, or in connection with, SCMEU performing any service or in furnishing any product or commodity and devoted to the purposes in which SCMEU is engaged and to the use and accommodation of the public.

O. Rate. "Rate" includes every rate, charge, fee, rental or other compensation of SCMEU or any schedule or tariff thereof, and any rule, regulation, charge, practice or contract relating thereto.

P. Charge. "Charge" is used in its broadest and most inclusive sense, and includes any and all billing rendered by SCMEU, or on behalf of SCMEU, as compensation of SCMEU for Service rendered.

Q. Monthly Customer Charge. A Charge fixed by Ordinance for maintaining Service to an established Customer. This is the minimum monthly charge to a Customer.

R. Energy Charge. A unit Charge fixed by Ordinance for electric energy supplied to a Customer.

S. Demand Charge. A unit Charge fixed by Ordinance for the maximum metered demand within a stated period of time, e.g., month.

T. Customer Service Classes.

1. Residential Service (RS). Residential Service means Service to (a) a single family residence; (b) each living unit of an apartment building, condominium, or other multiple unit dwelling; and each trailer space in a trailer park; however, Residential Service does not include service to hotels and motels.
2. Street Lighting Service (SLS). Street lighting service means service to a governmental entity for dusk to dawn illumination.
3. General Service (GS). General Service means Service other than Residential Service and Street Lighting Service.

U. In Place Cost (IPC). The cost of an electric system installation, e.g., a Customer Electrical Distribution System (CEDS), and/or a Customer Connection (CC), as determined by the most recent experience in the construction of similar installations in the area served by SCMEU; or a reasoned estimate of costs to be incurred by construction of a proposed electric system installation.

V. Service Origination Connection Charge (SOCC). A Charge corresponding to the In Place Cost of the Customer Electrical Distribution System allocated to serve a Customer Premises.

W. Administrative Enrollment Charge (AEC). A Charge corresponding to the costs incurred in processing an application for electric service.

X. Service Enrollment Connection Charge (SECC). A Charge corresponding to the In Place cost of a Customer Connection; and an Administrative Enrollment Charge.

Y. Service Upgrade Charge (SUC). A Charge corresponding to the In Place cost of providing any requested Upgraded Electric Service.

Z. Late Payment Charge (LPC). A Charge prescribed by Ordinance for late payment of charges.

AA. Engineering Charge (EC). A Charge corresponding to the estimated cost of preparing working drawings, specifications, and cost estimates to establish a "Service Origination Charges(s)"; and for preparation of a proposed contract for completion of the requested construction at a specified time."

BB. Utility Services – Electric, water, sewer, yard waste, and refuse services that are provided by the City or its designated provider. (Ord. 2010-M-7 § 1.)

(Ord. 1992-M-71 § 1.)

13.08.020 Electrical division - Superintendent designated.

The superintendent of electricity shall have supervision over the operation, maintenance and repair of the City's electrical distribution system.

(Ord. 2000-M-2 § 1; Ord. 1995-M-30 § 1; Ord. 1994-M-65 § 1; Prior code § 14.102.)

13.08.030 Contract for purchase of electricity.

The rates, terms and conditions of the purchase of electrical energy as stated in this chapter shall be a part of the contract with every person or corporation who purchases electrical energy from the city, and every person or corporation by purchasing electrical energy from the city shall be considered to express his assent to the provisions of this chapter. (Ord. 1965-6 § 1: prior code § 14.103.)

13.08.040 Applicability of terms and conditions.

The terms and conditions of this chapter shall apply, to all customers using the city's electrical service under any of the rates established by Sections 13.08.200 through 13.08.290. (Ord. 1995-M-30 § 1; Prior code § 14.105 (part).)

13.08.050 Equipment - Furnished and maintained by customer.

All wiring and other electrical equipment on the premises, or connecting the premises with the city's service, furnished by the customer, shall be suitable for the purposes hereof, and shall be installed and maintained by the customer at all times in conformity with the requirements of the National Board of Fire Underwriters as stated in the 2002 edition of the National Electrical Code. (2003-M-99 § 1; Prior code § 14.105 (1).)

13.08.060 Equipment - City property - Protection by customer - Relocation.

All meters, transformers, poles, structures, and other facilities placed on the customer's premises by the City for the purposes of rendering electric service to said premises, unless otherwise expressly provided, shall be and remain the property of the City, and the customer shall exercise reasonable care to protect such property from alterations, misuse, modification, foreign objects, vegetation, loss or damage. When there is a change in the customer's operation, or construction, which in the judgment of the City makes relocation of the facilities necessary, or if the customer requests relocation, the City will move such facilities at the customer's expense to an acceptable location on the customer's premises. (2003-M-99 § 1; Prior code § 14.105(2).)

13.08.062 Existing Transformer Upgrade.

The customer shall pay the exact cost of upgrades to equipment serving the customer facility. A "Transformer Cost Credit" (TCC) may be given for the future replacement of existing transformers based on the accumulated depreciation of the existing asset. Applicability of the TCC and the amount will be determined by the St. Charles Municipal Electric Utility (SCMEU). (2004-M-99 § 1.)

13.08.065 Equipment – Unauthorized attachment.

The City prohibits unauthorized attachment (including painting or marking) of any wires, signs, clotheslines, antennas, fences, etc. to its poles, pedestals, pad-mounted transformers or other structures. The City also prohibits the use of its poles for placards or other advertising matter and will remove any such unauthorized attachments without notice and may prosecute any such trespassing. The City may remove or cause to be removed without notice any unauthorized foreign matter from its poles, pedestals, pad-mounted transformers or other structures at the expense of the property owner. (2003-M-99 § 1.)

13.08.070 Metering equipment - City maintenance - Accessibility.

The City will furnish and maintain all metering equipment necessary for measuring and billing the electricity supplied. The customer shall provide a suitable place for reading, testing, inspecting or exchanging such metering equipment. (Prior code § 14.105(3).)

13.08.075 Sub-metering allowed for commercial accounts.

A. Sub-metering is allowed, as an option, on commercial buildings receiving service under one of the City's standard commercial rates (rate 3 and rate 5). 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 must 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 <u>only</u> by the master meter). The building owner shall be

billed and is fully responsible for all charges 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 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 electrical 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-53 § 1.)

13.08.080 Landlord's consent required for installation of equipment.

In case the customer is not the owner of the premises or of intervening property between the premises and the city's lines, the customer shall obtain from the proper owner, or owners, the necessary consent to the installation and maintenance on the premises and on such intervening property of all wiring and other electrical equipment required for supplying electricity to the customer. (Prior code § 14.105(4).)

13.08.090 Effect of Customer's Equipment on Power Quality.

Certain types of equipment, which may be purchased and used by the customer, may have operating characteristics that have a detrimental effect on other equipment of the customer or may interfere with the satisfactory use of service by other customers connected to the same distribution system. It is in the interest of all customers that the use of such equipment be avoided. Where any of the customer's utilization equipment manifests characteristics, which, in the City's judgment, may cause interference with service to other customers or result in operation at a low power factor, the customer shall, at the request of the City, provide suitable facilities to preclude such interference or improve such power factor, or both, as the case may be. Otherwise, the City shall have the right to provide, at the expense of the customer, the facilities necessary to preclude such condition or conditions. The City reserves the right to refuse service where such equipment is installed unless the customer provides suitable compensation or protective devices, or makes satisfactory financial arrangements with the City to provide the necessary capacity or protective measures. (Ord. 2003-M-99 § 1; Prior code § 14.105(5).)

13.08.100 Access to premises.

The properly authorized agents of the City shall at all reasonable hours have free access to the premises for the purpose of reading, examining, repairing or removing the city's meters and for installing, testing,

inspecting, repairing, removing or changing any or all equipment belonging to the City. Should access be denied, or property owner unavailable or unable to provide access more than 6 times in a calendar year, City equipment shall be relocated outside of the inaccessible area at owner's expense. In the case of meters, the customer shall maintain a minimum of 3 feet clear working space in front of each meter. Additional space will be required adjacent to moving machinery. In the case of pad-mounted equipment, clear and level work areas are required around pad-mounted equipment to provide an adequate safe working space to operate and maintain the equipment. An 8-foot minimum workspace is required in front of all equipment doors to provide room to operate with hot sticks and to replace the equipment. A three foot minimum space is required on non-operable sides. (Ord. 2003-M-99 § 1; Ord. 1995-M-30 § 1; Prior code § 14.105(6).)

13.08.110 Continuous service.

The city shall not be responsible in damages for any failure to supply electricity, or for interruption, or reversal of the supply, if such failure, interruption, or reversal is without willful misconduct or gross negligence on its part. (Ord. 1995-M-30 § 1; Prior code § 14.105(7).)

13.08.120 Resale prohibited.

No electrical energy shall be resold or distributed by the recipient thereof from the city electric distribution system to any premises other than that for which application has been made and meter installed. (Ord. 2010-M-53 § 2; Prior code § 14.105(8).)

13.08.130 Electrical service subject to city policies.

All electrical service hereunder and compensation therefore is subject to all general ordinances affecting the collection, administration and operating policies of the city. (Ord. 1995-M-30 § 1; Prior code § 14.105(13).)

13.08.135 Application procedures and charges.

A. An application requesting electric service shall be required of all Customers. An application shall provide all information required by SCMEU to process the request, including but not limited to the following:
   1. Residential - Name, service address, billing address, home phone, driver's license number, and, if not an individual, the taxpayer's identification number;
   2. General - Name of business, type of business organization, service address, billing address, phone number, owner and/or president, manager, taxpayer's identification number.

B. A Customer requesting installation of a Customer Connection to any Customer Electrical Distribution System, which was installed at the expense of SCMEU, is to pay both a Service Origination Connection Charge of One Thousand Six Hundred Thirty and no/100 ($1,630.00) Dollars and a Service Enrollment Connection Charge prior to installation of the requested residential Customer Connection. (Ord. 1995-M-30 § 1; Ord. 1994-M-80 § 1.)

C. A Customer requesting installation of a Customer Electric Distribution System (CEDS) to serve either a Residential Service Customer Premises or a General Service Customer Premises is required to:
   1. Make written application as provided by SCMEU;
   2. Along with the completed application submit an Engineering Charge as set by SCMEU as payment for the estimated cost of preparing working drawings, specifications, and cost estimates to establish a Service Origination Charge(s); and for preparation of a proposed contract for completion of the requested construction at a specified time;
   3. Accept the contract proposal and arrange for payment of the charges specified therein prior to installation of the requested Customer Electric Distribution System(s).

D. A Customer requesting installation of a Customer Connection to any Customer Electrical Distribution System, which was installed at the expense of a person other than SCMEU, is to pay a Service Enrollment Connection Charge prior to installation of the requested Customer Connection.

E. A Customer requesting any upgrade of a Customer Connection or of a Customer Electrical Distribution System, is to pay a Service Upgrade Charge prior to installation of the requested upgraded service.

F. The hourly rates to be charged customers for services rendered by function are as follows:

Engineering	$180.00 per hour
Lineman	$95.25 per hour
Metering Technician	$94.50 per hour
Drafting Personnel	$55.25 per hour

(Ord. 2003-M-99 § 1; Ord. 1992-M-71 § 1.)

13.08.140 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 (NSF) 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. (Ord. 1993-M-11 § 1; Ord. 1990-M-62 § 1; Ord. 1987-M-89 § 1.)

The deposits set forth above shall be repaid to such applicant when the city has discontinued or refused the service for which such application was made 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. (Ord. 1990-M-62 § 1; Ord. 1987-M-89 § 1; Ord. 1987-M-30 § 1.)

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 during the latest twelve-month period and has received no disconnection notice during that same 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 City Comptroller. (Ord. 1987-M-89 § 1; Ord. 1987-M-30 § 1.)

C. Any applicant for new service who has been an electrical service customer of the city for two years immediately prior to the date of application, without incurring any arrearage, shall be considered exempt from the requirement for an initial deposit for new service.

(Ord. 1995-M-30 § 1; Ord. 1994-M-27 § 1; Ord. 1972-M-49 § (I): prior code § 14.105(10).)

13.08.150 General terms and conditions.

<u>General Service and Multi-Unit Residential Installations (e.g., Apartments, Condominiums)</u>

A. CUSTOMER, as prescribed by: the 2002 edition NATIONAL ELECTRIC CODE, NFPA No. 70-2002 adopted by the National Fire Protection Association, the NATIONAL ELECTRIC SAFETY

CODE, 2002 edition (ANSI C2-2002) RULES AND REGULATIONS of SCMEU, and directives of the Director of SCMEU, shall furnish, install and maintain:

1. Foundation and pad for transformer(s)
2. Primary line conduit to the PRIMARY VOLTAGE POINT OF CONNECTION (PVPC)
3. Ground grid as required
4. Service Entrance
5. Secondary line conduit and secondary conductors
6. Vehicle barriers as required

B. SCMEU, upon receipt of a specified SERVICE ORIGINATION CONNECTION CHARGE (SOCC), will furnish, install, and maintain:

1. Transformer(s), switchgear, circuit protection, ground connections for primary and secondary compartments
2. Primary cables and connections
3. Make secondary line connections at transformer and at the service entrance

(Ord. 2003-M-99 § 1; Ord. 1994-M-65 § 1; Ord. 1992-M-71 § 1; Ord. 1991-M-24 § 1; Ord. 1990-M-36 § 1; Ord. 1989-M-57 § 1; 1988-M-19 § 1; Ord. 1976-M-25 § 1; Ord. 1976-M-18 § 1; Ord. 1975-M-1 § 1 (part); Ord. 1973-M-1 § 3; Ord. 1972-M-42: prior code 14.105(16).)

13.08.160 Street Lighting and Miscellaneous Services

Street lighting capital, maintenance, and retirement work, and miscellaneous services, all as requested of SCMEU, will be billed at SCMEU's incurred cost for materials, labor, equipment charges, and all related overhead charges. (Ord. 1994-M-65 § 1.)

13.08.170 Monthly bills.

For the purpose of this chapter, the terms "month" or "monthly" means the period between any two consecutive regular meter readings taken as nearly as practicable at thirty-day intervals. (Ord. 1965-6 § 2 (part): prior code § 14.105(11).)

13.08.180 Bills for electric used - Rendering - Payment period.

Bills for electric 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. 1965-6 § 2 (part): prior code § 14.105(12).)

13.08.185 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-30 § 1.)

13.08.190 Right to cut-off for nonpayment - Reconnection.

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. (Ord. 2010-M-2 § 1.)

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-2 § 1.)

(Ord. 1993-M-25 § 2; Ord. 1987-M-30 § 1; Ord. 1981-M-21 § 1; Ord. 1972-M-49 § 1; Ord. 1965-6 § 2 (part): prior code § 14.105(9).)

13.08.200 Lien - Claim by city - Notice to owner.

A. Charges for electricity shall be a lien upon the premises as provided by statue. Whenever a bill for electric service remains unpaid ninety days after it has been rendered, the clerk may file with the county recorder of deeds of Kane County, a statement of lien claims. 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 electricity served subsequent to the period covered by the bill.

B. If the consumer of electricity whose bill is unpaid is not the owner of the premises, and the 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 ninety days after it has been rendered.

C. The failure of the 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 electric bills as mentioned in the Section 13.08.210.

(Ord. 1965-48 § 3; prior code § 14.105(14).)

13.08.210 Lien - Foreclosure.

A. Property subject to a lien for unpaid electric charges shall be sold for nonpayment of the same, and the proceeds of such 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.

B. The city attorney is authorized and directed to institute proceedings, in the name of the city, in any court having jurisdiction over such matters, against any property for which the electric bill has remained unpaid sixty days after it has been rendered.

(Ord. 1965-48 § 4; prior code § 14.105(15).)

13.08.220 Rates - Established.

The rates for the purchase of electrical energy are established as set out in Sections 13.08.230 through 13.08.290. (Ord. 1996-M-77 § 1; Ord. 1995-M-23 § 1; Prior code 14.104 (part).)

13.08.230 Rate 1 - Residential - Rates, Charges and Service Requirements.

A. Availability. Electrical energy is available under this rate for residential purposes.

B. Charges for this rate shall be as follows:

1. Monthly Customer Charge. The net monthly customer charge shall be eight dollars and fifty cents ($8.50) per meter.

(Ord. 2011-M-20 §1; Ord. 2010-M-31 § 1.)

2. Energy Charge. The net energy charge shall be as follows:

Summer Months	Kilowatt-hours
$0.11 per kilowatt-hour for the first	1200
$0.12 per kilowatt-hour for all over	1200

Non-Summer Months	Kilowatt-hours
$0.0838 per kilowatt-hour for the first	750
$0.0738 per kilowatt-hour for all over	750

For the purposes hereof, the "summer months" are defined as the electric usage that is billed to the user starting in the month of June and the next four succeeding months.

(Ord. 2011-M-20 § 1; Ord. 2010-M-31 § 1.)

3. Minimum Charge. The minimum net monthly charge shall be the net monthly customer charge.
4. Gross Charge. The gross charge shall be ten percent more than the sum of the net monthly customer charge and the net energy charge for the billing period.

C. General Requirements.

1. The customer's wiring shall be so arranged that all service hereunder may be supplied through a single metering installation.
2. Service hereunder will be furnished only to a single occupancy, and where service to an apartment building is desired hereunder, each apartment shall be treated as a separate customer and served through a separate metering installation; provided, however, that in apartment buildings containing six or fewer apartments, hall lights and building operating equipment, including no motors larger than one horsepower and not more than six horsepower for all motors, may be connected to the metering installations for one of the apartments, or as a separate metering installation at the discretion of the building operator. The meters shall be grouped in a single location.
3. The terms and conditions stated in Sections 13.08.010 through 13.08.210 apply to this rate and service hereunder shall be subject thereto.

(Ord. 2010-M-31 § 1; Ord. 2009-M-22 § 1; Ord. 2008-M-32 § 1; Ord. 2007-M-38 § 1; Ord. 2005-M-20 § 1; Ord. 2002-M-29 § 1; Ord. 2001-M-30 § 1; Ord. 2000-M-69 § 1; Ord. 1996-M-77 § 1; Ord. 1995-M-41 § 1; Ord. 1995-M-23 § 1; Ord. 1991-M-19 § 1; Ord. 1990-M-46 § 1; Ord. 1989-M-56 § 1; 1988-M-20 § 1; Ord. 1986-M-82 § 1; Ord. 1983-M-48 § 1 (part): Ord. 1982-M-15 § 1 (part); Ord. 1979-M-31 § 1 (part); Ord. 1977-M-40 § 1 (part); Ord. 1977-M-14 (part); Ord. 1975-M-38 (part); Ord. 1975-M-25 (part); Ord. 1974-M-23 § 1; Ord. 1965-48 § 1 (part); prior code 14.104(A).)

13.08.240 Rate 3 – Small General Service – Rates, Charges, and Service Requirements.

A. Availability.

Electrical energy is available under the Small General Service rate to any customer using the City's electric system for all requirements other than residential service where such customer has a monthly peak kilowatt demand of less than or equal to 25 kilowatts during the previous eighteen billing periods and 2500 kilowatt-hours or less in the current billing period. Any customer whose monthly peak demand has exceeded 25 kilowatts in the current or previous eighteen billing periods or has exceeded 2500 kilowatt-hours during the current billing period will be billed at the rate described in Section 13.08.260.

(Ord. 2011-M-22 § 1.)

B. Charges for this rate shall be as follows:

1. Monthly Customer Charge. The net monthly customer charge shall be twenty-five dollars ($25.00) per meter.

(Ord. 2011-M-20 § 2; Ord. 2010-M-31 § 2.)

2. Energy Charge. The net energy charge shall be as follows:
   $0.124 per kilowatt-hour Summer Months
   $0.087 per kilowatt-hour Non-Summer Months
   For purposes hereof, the "summer months" are defined as the electric usage that is billed to the user starting in the month of June and the next four succeeding months.

(Ord. 2010-M-31 § 2.)

3. Minimum Charge. The net minimum monthly charge shall be the net monthly customer charge.
4. Gross Charge. The gross charge shall be ten percent more than the sum of the net customer charge and net energy charge.

C. General Requirements:

1. The customer's wiring shall be so arranged that all service hereunder may be supplied through a single metering installation adequate for a normal load equal to the maximum thirty-minute demand of the customer, at a power factor of eighty-five percent lagging. Except in multi-occupancy business premises where each business shall be serviced as an individual customer. Nothing in this rate shall be deemed to preclude a residential occupancy on the customer's property from being served as a separate customer on a residential rate.
2. Measurement of Demand and Kilowatt-hours Supplied. Where two or more metering installations are provided on the customer's premises, the demand in any thirty-minute period shall be determined by adding together the separate demands at each metering installation during such thirty-minute period except that:
   a. In case the demand at any metering installation is registered by an indicating or cumulative demand meter, the demand at such installation in each thirty-minute period of any month shall be assumed to be the same as the highest demand in any thirty-minute period of such month.
   b. Where two or more metering installations are provided on the customer's premises and are for the same customer, and if one or more installations qualified for rate 5 and one or more installations qualified for rate 3 then the metering installation readings shall be combined and billed at rate 5.
3. The terms and conditions stated in Sections 13.08.010 through 13.08.210 apply to this rate and service hereunder shall be subject thereto.

(Ord. 2010-M-31 § 2; Ord. 2009-M-22 § 2; Ord. 2008-M-32 § 2; Ord. 2007-M-38 § 2; Ord. 2005-M-20 § 2; Ord. 2002-M-29 § 2; Ord. 2001-M-30 § 2; Ord. 2000-M-69 § 2; Ord. 1999-M-47 § 1.)

13.08.250 Rate 6 – Governmental Outdoor Sports Lighting – Rates, Charges, and Service Requirements.

A. Availability. Electrical energy is available under the Governmental Outdoor Sports Lighting rate to any governmental agency using the City's electric service for outdoor sports lighting service only. For purposes of this rate application, outdoor sports lighting is defined as lighting load of over 100 kW demand used to light baseball, football, or soccer fields only.

B. Charges for this rate shall be as follows:

1. Monthly Customer Charge. The net monthly customer charge shall be forty-five dollars ($45.00) per meter.

(Ord. 2011-M-20 § 3; Ord. 2010-M-31 § 3.)

2. Demand Charge. This rate does not have a demand charge.
3. Energy Charge. The energy charge shall be as follows:
   $0.1433 per kilowatt-hour for all kilowatt-hours

(Ord. 2011-M-20 § 3; Ord. 2010-M-31 § 3.)

4. Minimum Charge. The minimum net monthly charge shall be the net monthly customer charge.
5. Gross Charge. The gross charge shall be ten percent more than the sum of the net customer charge and the net energy charge for the billing period.

C. General Requirements.

1. The customer's wiring shall be so arranged that all service hereunder may be supplied through a single metering installation adequate for a normal load equal to the maximum thirty (30) minute demand of the customer at a power factor of eighty-five percent (85%) lagging.
2. Lighting Demand Limitation. All outdoor sports lighting served under this rate will be equipped with lock-out controls that do not allow lighting use from 9 a.m. to 6 p.m. in any given day. Controls must be locked and provide for electric utility verification. Any lighting use during the above noted hours or at times that the lock-out controls are not present or not functional will be billed under the current rate 5.
3. The terms and conditions stated in Sections 13.08.010 through 13.08.210 apply to this rate and service hereunder and shall be subject thereto.
4. This rate is in effect for all applicable usage after April 30, 2009 and any charges heretofore assessed which are inconsistent with this new rate shall be waived to the extent of the inconsistency.

(Ord. 2010-M-31 § 3; Ord. 2009-M-50 § 1.)

13.08.260 Rate 5 - General service - Rates, Charges, and Service Requirements.

A. Availability. Electrical energy is available under the General Service rate to any customer using the city's electric service for all requirements other than residential service.

B. Charges for this rate shall be as follows:

1. Monthly Customer Charge. The net monthly customer charge shall be forty-five dollars ($45.00) per meter.

(Ord. 2011-M-20 § 4; Ord. 2010-M-31 § 4.)

2. Power Factor Correction. Customers are required to maintain power factor above .85 lagging. If customer's metered power factor is below .85 in the current billing cycle, the customer billing demand will be adjusted in the current billing cycle according to the formula: Billing Demand = (1+(.85 – Power Factor)) x metered demand. (See Ord. 2011-M-22.)

(Ord. 2011-M-24 § 1.)

3. Demand Charge. The net demand charge shall be as follows:

$17.19 per kilowatt	Summer Months
$14.10 per kilowatt	Non-Summer Months

For the purposes hereof, the "summer months" are defined as the electric usage that is billed to the user starting in the month of June and next four succeeding months.

(Ord. 2011-M-20 § 4; Ord. 2010-M-31 § 4.)

4. Energy Charge. The energy charge shall be as follows:

$0.0407 per kilowatt-hour for all kilowatt-hours

(Ord. 2011-M-20 § 4; Ord. 2010-M-31 § 4.)

5. Minimum Charge. The minimum net monthly charge shall be the net monthly customer charge.
6. Gross Charge. The gross charge shall be ten percent more than the sum of the net customer charge, the net demand and the net energy charge for the billing period.

C. General Requirements.

1. The customer's wiring shall be so arranged that all service hereunder may be supplied through a single metering installation adequate for a normal load equal to the maximum thirty-minute demand of the customer, at a power factor of eighty-five percent lagging. Except in multi-occupancy business premises where each business shall be serviced as an individual customer. Nothing in this rate shall be deemed to preclude a residential occupancy on the customer's property from being served as a separate customer on a residential rate.

2. Measurement of Demand and Kilowatt-hours Supplied. Where two or more metering installations are provided on the customer's premises, the demand in any thirty-minute period shall be determined by adding together the separate demands at each metering installation during such thirty-minute period except that:

   In case the demand at any metering installation is registered by an indicating or cumulative demand meter, the demand at such installation in each thirty-minute period of any month shall be assumed to be the same as the highest demand in any thirty-minute period of the month.

   Where two or more metering installations are provided on the customer's premises and are for the same customer, and if one or more installation qualifies for rate 5 and one or more installations qualifies for rate 7 then the metering installation readings shall be combined and billed at rate 7.
3. The terms and conditions stated in Sections 13.08.010 through 13.08.210 apply to this rate and service hereunder shall be subject thereto.

(Ord. 2010-M-31 § 4; Ord. 2009-M-22 § 3; Ord. 2008-M-32 § 3; Ord. 2007-M-38 § 3; Ord. 2005-M-20 § 3; Ord. 2002-M-29 § 3; Ord. 2001-M-30 § 3; Ord. 2000-M-69 § 3; Ord. 1996-M-77 § 1; Ord. 1995-M-23 § 1; Ord. 1991-M-19 § 1; Ord. 1990-M-46 § 1; Ord. 1989-M-56 § 1; 1988-M-20 § 1; Ord. 1986-M-82 § 1; Ord. 1983-M-48 § 1 (part): Ord. 1982-M-15 § 1 (part): Ord. 1979-M-31 § 1 (part); Ord. 1977-M-40 § 1 (part); Ord. 1977-M-14 (part); Ord. 1975-M-38 (part); Ord. 1975-M-25 (part): prior code 14.104(E).

13.08.275 Rate 7 - Large General Service - Rates, Charges and Service Requirements.

A. Availability.
   1. Electrical energy is available under the Large General Service rate to any customer using the city's electric system for all requirements other than residential service where such customer has a monthly peak kilowatt demand of at least 450 kilowatts during the billing period. Any customer on this rate whose monthly peak demand has not exceeded 450 kilowatts in the preceding twelve billing periods will be billed at the rate described in Section 13.08.260.

B. Charges for this rate shall be as follows:
   1. Monthly Customer Charge. The net monthly customer charge shall be one hundred fifty dollars ($150.00) per meter.

   (Ord. 2011-M-20 § 5; Ord. 2010-M-31 § 5.)
   2. Power Factor Correction. Customers are required to maintain power factor above .85 lagging. If customer’s metered power factor is below.85 in the current billing cycle, the customer billing demand will be adjusted in the current billing cycle according to the formula: Billing Demand = (1+(.85 – Power Factor)) x metered demand. (See Ord. 2011-M-22.)

   (Ord. 2011-M-24 § 2.)
   3. Demand Charge. The net demand charge shall be as follows:

      $17.19 per kilowatt Summer Months
      $14.10 per kilowatt Non-Summer Months

      For the purposes hereof, the "summer months" are defined as the electric usage that is billed to the user starting in the month of June and the next four succeeding months.

   (Ord. 2011-M-20 § 5; Ord. 2010-M-31 § 5.)
   4. Energy Charge. The net energy charge shall be as follows:

      $0.0452 per kilowatt-hour On-Peak
      $0.0352 per kilowatt-hour Off-Peak

   (Ord. 2011-M-20 § 5; Ord. 2010-M-31 § 5.)
   5. The definition of On-Peak and Off-Peak Periods:

Energy On-Peak Periods, for purposes hereof, shall be the hours of 9:00 a.m. to 10:00 p.m. on Monday through Friday, except on days on which the following holidays are generally observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and, if one of the foregoing holidays occurs on a Tuesday or Thursday, the immediately preceding Monday or immediately following Friday, respectively. Energy Off-Peak Periods shall be all other hours.

Demand Peak Periods, for purposes hereof, shall be the hours, 9:00 a.m. to 10:00 p.m. on Monday through Friday, except the holidays designated above. Demand Off-Peak Periods shall be all other hours.

6. Minimum Charge. The net minimum monthly charge shall be the net monthly customer charge.
7. Gross Charge. The gross charge shall be ten percent more than the sum of the net customer charge, net demand charge and net energy charge.
8. The terms and conditions stated in Sections 13.08.010 through 13.08.210 apply to this rate and service hereunder shall be subject thereto.

C. General Requirements:

1. The customer's wiring shall be so arranged that all service hereunder may be supplied through a single metering installation adequate for a normal load equal to the maximum thirty-minute demand of the customer, at a power factor of eighty-five percent lagging. Except in multi-occupancy business premises where each business shall be serviced as an individual customer. Nothing in this rate shall be deemed to preclude a residential occupancy on the customer's property from being served as a separate customer on a residential rate.
2. Measurement of Demand and Kilowatthours Supplied. Where two or more metering installations are provided on the customer's premises, the demand in any thirty-minute period shall be determined by adding together the separate demands at each metering installation during such thirty-minute period except that:

   In case the demand at any metering installation is registered by an indicating or cumulative demand meter, the demand at such installation in each thirty-minute period of any month shall be assumed to be the same as the highest demand in any thirty-minute period of such month.

   Where two or more metering installations are provided on the customer's premises and are for the same customer, and if one or more installations qualified for rate 5 one or more installations qualified for rate 7, then the metering installation readings shall be combined and billed at rate 7.
3. The terms and conditions stated in Sections 13.08.010 through 13.08.210 apply to this rate and service hereunder shall be subject thereto.

(Ord. 2010-M-31 § 5; Ord. 2009-M-22 § 4; Ord. 2008-M-32 § 4; Ord. 2007-M-38 § 4; Ord. 2005-M-20 § 4; Ord. 2002-M-29 § 4; Ord. 2001-M-30 § 4; Ord. 2000-M-69 § 4; Ord. 1996-M-77 § 1; Ord. 1995-M-41 § 1; Ord. 1995-M-23 § 1; Ord. 1991-M-19 § 1; Ord. 1990-M-46 § 1; Ord. 1989-M-56 § 1; 1988-M-20 § 1; 1986-M-82 2 § 1.)

13.08.290 Rate 8 - Municipal Owned Street Lighting and Traffic Signals

A. Availability. This rate is available only to city of St. Charles owned and maintained street lights and traffic signals.

B. Charges for this rate shall be as follows:

1. Energy Charge.

   $0.0551 per kilowatthour for all kilowatthours

(Ord. 2011-M-20 § 6; Ord. 2010-M-31 § 6; Ord. 1997-M-20 § 1; Ord. 1997-M-9 § 1; Ord. 1996-M-77 § 1; Ord. 1995-M-23 § 1; Ord. 1994-M-25 § 1.)

13.08.295 Watthour Pulse Metering Service

Watthour pulse metering will be provided, upon customer's request, for applicable systems, under the following conditions:

A. Customer shall submit request for watthour pulse metering in writing, including detailed specifications of the customer's proposed monitoring equipment.

B. Customer shall sign a contract agreeing to participate in Watthour Pulse Metering for a period of no less than 18 months.

C. St. Charles Municipal Electric Utility staff will review, at customer's expense, applicability and compatibility of the customer's proposed system with the City equipment. Normal electric engineering rates shall apply for the review and any subsequent work requested. Payment for all engineering work is due within 30 days of the billing regardless of whether the customer installs the system.

D. City will provide an appropriate watthour meter or additional equipment within the meter and a single isolation relay, at customer's expense.

E. Customer shall pay $20 per month, or any part of a monthly billing period, per each meter installation, for the delivery of the watthour pulses.

F. City shall provide normal maintenance and repair, including lightning damage, of the meter and isolation relay. City material and labor costs shall apply for all other damage to City equipment and shall be billable to the customer.

G. The customer shall be billed for labor and material expended by the City responding to watthour pulse metering trouble calls where it is concluded that the City equipment was not malfunctioning.

H. The City shall remove watthour pulse metering equipment within 30 days of receipt by City of a written request for discontinuation of watthour pulse metering service from the customer. After discontinuation of watthour pulse metering service, the customer cannot reapply for watthour pulse metering service for 18 months.

(Ord. 2004-M-25 § 1.)

13.08.300 Temporary Customer Connection (TCC)

A. A TEMPORARY CUSTOMER CONNECTION, as defined in Section 13.08.015 (L) will be provided for a CUSTOMER upon application and payment of a TEMPORARY CUSTOMER CONNECTION CHARGE (TCCC) as established by SCMEU on a case by case, IN PLACE COST basis.

B. TEMPORARY CUSTOMER CONNECTIONS for casual uses shall be limited to a maximum of twenty-one (21) days each calendar year for any event, function, or property.

(Ord. 1994-M-65 § 1; Ord. 1993-M-25 § 2; Ord. 1991-M-62 § 1;
Ord. 1974-M-10: prior code § 14.104(I).)

13.08.305 Temporary electric service - Deposit.

Deposit shall be charged to any customer at any time such customer makes formal application at the finance office for temporary electric service. The amount shall be equal to the city's most recent cost for the meter or a minimum of $50. (Ord. 1993-M-25 § 2.)

13.08.310 Penalty for violation – Enforcement authority.

Any person, firm or corporation who violates, disobeys, or refuses to comply with, or who obstructs the enforcement of any of the provisions of this title, shall, upon conviction be fined not less than twenty-five dollars nor more than five hundred dollars for each offense and a separate offense shall be deemed committed on each day that a violation occurs or continues.

(Ord. 2003-M-99 § 1; Ord. 1991-M-24 § 1; Ord. 1988-M-19 § 2.)

13.08.315 Interconnection Services for on-Site Generation Facilities

St. Charles Municipal Electric Utility (SCMEU) shall make available, upon request, interconnection services to any customer that meets the required guidelines. Interconnection services in this Section refers to on-site generating facilities connected to SCMEU distribution system in a manner that will allow excess electricity generated by the eligible on-site generating facility to be safely delivered onto SCMEU's electric distribution system. Guidelines for interconnecting to the utility system are as follows:

A. Only generating facilities that have been approved by SCMEU shall be interconnected with SCMEU's electric distribution system.
B. Interconnection services shall only be available to premises with aggregated total generation at a single customer premise of less than 1 MW.
C. All interconnections shall comply with IEEE Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems (IEEE 1547) as amended from time to time.
D. SCMEU is under no obligation to purchase energy supplied to it under this section. This does not preclude the customer from meeting applicable standards that would allow the customer to supply power onto the utilities system and receive credit for such energy under the Renewable Generation Energy Purchase (RGEP) Policy (set forth in Section 13.08.320).
E. If the customer qualifies under these interconnection standards but does not qualify under the RGEP Policy then any energy delivered to the utility system shall be surrendered to the utility for no value/credit. SCMEU will install, at customer expense, a meter that will not provide any credit for energy delivered to the utility system and the customer will pay any additional costs associated with the meter change.
F. Customers will comply with all other applicable utility standards for interconnection.
G. Capacity of 10kW or less and interconnected to the utility system shall comply with IEEE 1547 Section 5.5, Periodic Interconnection Tests. All interconnection related protective functions, equipment and associated batteries shall be tested at intervals specified by the manufacturer system integrator, or the authority that has jurisdiction over the Distributed Resources interconnection, or all tests shall be performed every three (3) years, whichever is shorter. Periodic test reports shall be maintained and submitted to the SCMEU Engineering Department.
H. Systems of greater than 10kW shall perform all interconnection-related protective functions, equipment and associated battery testing on a yearly basis. All test reports shall be submitted to the SCMEU Engineering Department after completion of the yearly testing.
I. Reports required under Section 13.08.315 paragraphs G. and H., must be submitted within 30 days of the anniversary date of the energizing of the interconnect generation. If the required reports are not received within the 30 day period, the generation must be disconnected until such time as the reports are submitted and accepted.

(Ord. 2009-M-69 § 1.)

13.08.320 Renewable Generation Energy Purchase Policy

St. Charles Municipal Electric Utility (SCMEU) shall make available, upon request, renewable generation energy purchase (RGEP) service to any customer taking service from SCMEU and who meets the requirements set forth in this policy. For purposes of this Section "RGEP" service means service to an electric customer under which electric energy generated by that electric customer from an eligible on-site renewable energy generating facility, owned by that customer and, under some circumstances delivered to the local distribution facilities, may be used to offset electric energy provided by the SCMEU to the electric customer as provided for in this policy. Such service shall be subject to the following provisions:

A. For purposes of this policy an eligible on-site generating facility shall be defined as a renewable generating facility such as a photovoltaic facility or small wind turbines. Other forms of renewable generation, such as sources fueled by landfill methane, fuel cells, or micro turbines fueled by renewable

fuels shall be considered on a case-by-case basis. In all cases facilities interconnected must be deemed to be renewable by SCMEU to qualify for this policy.

B. The electric generating facility must also abide by SCMEU Interconnection Standards (13.08.315).

C. Subject to the limitations set forth herein, SCMEU shall make RGEP service available upon request to any SCMEU electric customer with a qualifying generating facility of 10kW capacity or less.

D. Any generating facility greater than 10kW but less than 1MW shall be considered on a case-by-case basis. The decision with respect to such facilities shall be made by SCMEU based upon its contractual obligations, system safety issues and other relevant information.

E. Total RGEP capacity interconnected under this policy for the SCMEU system shall not exceed 2% of the system's peak, as it existed in the prior calendar year. In the event that the system peak is reduced such that the existing net capacity exceeds the 2% level, those existing RGEP customers shall be allowed to continue under this policy. However, no new interconnections will be allowed until such time as the system peak grows such that RGEP capacity is again no greater than 2% of the system's peak.

F. Energy generated by the customer-owned generator will offset the energy required by the customer's load during the billing period. For any energy generated by the customer in excess of the energy required by the customer's loads for a given billing period a credit (as set forth in paragraph G. below) shall be carried forward to the customer's next billing period. In no case shall credits for excess energy be carried forward for a period greater than three billing periods. In the event of termination of an account qualifying for RGEP under this policy, any outstanding credits are surrendered. Under no circumstances will there be payments, or credit transfers for excess energy. Credits shall be for energy only; there is no credit for capacity (demand).

G. Excess energy will be credited based on the wholesale cost SCMEU pays. For customers served under residential Rate 1, small general service Rate 3, and Governmental Outdoor Sports Lighting Rate 6, the credit will be determined by the average wholesale cost per kilowatt-hour paid by SCMEU to our energy supplier in the previous fiscal year. The credit for customers served under general service Rate 5 and Industrial Rate 7 will be the kilowatt-hour charge specified in the respective rates set forth in this Chapter for the month in which the credit is earned.

H. Any costs SCMEU incurs associated with the RGEP program, including but not limited to changes in metering, other physical facilities or billing-related costs, shall be born by the participants in the RGEP program.

(Ord. 2009-M-69 § 2.)

13.08.330 Bidding or Selling of System Demand Response.

A. General prohibition against bidding or selling system demand response. Except as provided in subsection B of this section, the customers of the SCMEU are hereby restricted and precluded from bidding or selling demand response into any organized electric or ancillary services markets operated or administered by PJM (or any successor independent system operator or regional transmission organization) or otherwise participating in such markets with any demand response resources whether directly or through a third-party aggregator.

B. Exception to general prohibition. Notwithstanding the general prohibition stated in subsection A, above, the SCMEU, acting with and through its power supplier, Illinois Municipal Electric Agency (IMEA), is hereby approved, authorized and permitted to operate as a Curtailment Service Provider with respect to demand response resources within the City's municipal electric utility system, including any generation owned by the City, and to offer and sell such demand response resources into programs and markets of PJM Interconnection, L.L.C. or its duly authorized successor. Participation shall be subject to the terms and conditions of the IMEA's Demand Reponse Program, a copy of which is attached as Appendix A, as such program is amended by the IMEA from time to time.

C. All costs incurred by the SCMEU for implementation and continued operation of the Demand Response Program will be the direct responsibility of the customer. Costs will be billed to the customer at the time

the expense is incurred. These costs include the cost of metering equipment, monitoring equipment, communication devices, communication services, extra meter reading (if required), maintenance of equipment, equipment replacement, billing expense and any other additional costs directly or indirectly related to this program. Charges include cost for equipment, labor or both.

(Ord. 2011-M-7 § 3.)

APPENDIX A

ILLINOIS MUNICIPAL ELECTRIC AGENCY
DEMAND RESPONSE PROGRAM

1. **Policy Statement**. The Illinois Municipal Electric Agency ("IMEA" or "Agency") hereby declares its intention to cooperate with Participating Members to further the State of Illinois and National policies in favor of utilizing demand response resources.

2. **Purpose**. The purpose of the Agency's Demand Response Program is to provide appropriate incentives for end user customers who have demand response resources on the distribution systems of IMEA Participating Members and other purchasers from IMEA (hereinafter and for purposes of this Program the term "Participating Member(s)" shall be deemed to include non-member entities purchasing their full requirements from IMEA) to use those resources to help reduce the need for capacity and energy during times when it would be economical or beneficial to the national/regional transmission grid to reduce load. A demand response resource is broadly defined as the ability to reduce load when directed (either through the running of end user customer owned/controlled generation or through interruption of electric supply to specific equipment and/or processes that consume electricity). The incentive provided under this Program is the ability to participate indirectly through IMEA in certain of the demand response programs offered by the Regional Transmission Organization ("RTO") and share revenues realized from such participation. Such participation by the end user customer would be through the Participating Member serving the end user customer with electricity and through the Agency. The Agency is not at this time able to offer indirect participation in all of the demand response programs offered by the RTOs. In addition, the demand response program offerings of the two RTOs available to IMEA alternatively by geographic location are not the same, and their rules, regulations and business practices differ even for similar programs.

3. **Availability**. Subject to the qualifications set forth herein, this Program is available to Participating Members who have a Power Sales Contract with the Agency in full force and effect and whose service areas are geographically located within the footprint of a Regional Transmission Organization ("RTO") that has one or more programs that allow for participation by end user customer demand response resources.

4. **Applicability**. This program is applicable in connection with electric service provided by the Agency to Participating Members for meeting the requirements of certain of the Participating Member's retail end user customers that meet the qualifications and approval requirements set forth herein. Power Sales Rate Schedule B remains applicable to electric service for all requirements for municipal use and redistribution to retail customers purchased in accordance with the provisions of the Power Sales Contract, other than those requirements purchased under Schedules B-2, B-4, and B-6.

   Applicability to Participating Member Retail Load. Participating Members have an obligation under their Power Sales Contracts to purchase all of their electric requirements from IMEA. However, Participating Members also have municipally-owned and operated structures and facilities (such as municipal buildings and sewer and water facilities) that use electricity provided through the Power Sales Contract at retail, and for such a retail electric load the Participating Member is its own retail end user customer. The following exception is designed to balance those competing interests. To the extent that an individual Participating Member can demonstrate that it has demand response resources directly connected to retail electric load and not designed or used as part of the Participating Member's electric utility, it may be considered for inclusion under this Program under the same terms as conditions as

other demand response resources; provided however, no single generating unit of a Participating Member with a nameplate kilowatt (kW) rating larger than 500 kW shall be eligible for inclusion under this Program. The Agency may contract separately with a Participating Member that has such a unit or that has non-dedicated generating units as part of its utility operation on different terms and conditions acceptable to the President & CEO.

5. **Application and Approval Process**. The Participating Member must apply to the Agency for approval of each end user customer demand response resource that it wishes to place in the program for each applicable delivery year. Such application must contain all required information for the Agency to determine if the end user customer demand response resource meets the qualifications to be registered through the Agency in the RTO program and must be submitted no later than 10 business days prior to any applicable deadlines (whether imposed by the RTO or the owner of the transmission system) for submission of the registration application for any delivery year. The Agency will advise interested Participating Members of such deadlines upon request. No end user customer shall have its demand response resources included in the program unless participation is approved by the Agency and by the RTO. Preliminary approval by the Agency shall be based on a determination by the Agency that the demand response resources meet the qualifications of this Program and to be registered through the Agency in the RTO program. If the Agency preliminarily approves the application, the demand response resources will be offered for registration with the RTO. If the RTO approves the demand response resource for participation in its program, the Agency's preliminary approval will become a final approval.

6. **End User Customer Qualifications**.
   (a) **Maximum Capacity Resources**. IMEA's ability to receive credit for demand response resources with respect to an individual Participating Member's distribution system(s) is limited by the peak load of the distribution system or physical subparts of the distribution system that have load restrictions. A number of Participating Members own and operate generation that is connected to their distribution systems behind the meter, and most of this generation is dedicated to the Agency for its dispatch and use to satisfy capacity obligations. To participate in the program, the demand response resource must be located in and connected to a Participating Member distribution system that has sufficient available capacity obligation such that the Agency can receive credit from the RTO for the resources. Generation dedicated to the Agency shall be counted first to determine if the cap for maximum capacity resources has been met or exceeded. Other applications for participation by demand response resources shall be considered on a first come first serve basis provided all other qualifications are met.
   (b) **Minimum Resource Requirement**. To participate in the program, the demand response resource must be capable of reducing at least 100 kW of load.
   (c) **Uncommitted Resource**. To participate in the program, the demand response resource must not be committed by contract or otherwise to any other program that would be in conflict with IMEA's use of the resources when called upon.
   (d) **RERRA Authorization**. Federal Energy Regulatory Commission ("FERC") Order 719-A prohibits RTOs from accepting bids of demand response resources from within small utilities unless the Relevant Electric Retail Regulatory Authority ("RERRA") expressly authorizes such participation. The cut off for a small utility is that it distributed 4 million MWh or less during the previous year. All of IMEA's Participating Members currently fall within the 4 million MWh or less category. To participate in the program, the demand response resource must be located in and connected to a Participating Member distribution system where the RERRA has specifically authorized by appropriate action the participation of demand response resources under its jurisdiction in such a program. The individual Participating Member that is a

purchaser from the Agency is the RERRA for its customers. IMEA can provide a sample Ordinance or Resolution upon request for any Participating Member to satisfy this requirement.

(e) **Any end user customer** intending to run generating units in support of local load for the purpose of participating in the program must represent in writing to the Participating Member and the Agency that the end user customer holds all applicable environmental and use permits for running those generators. Participation in the program (including any continuation thereof throughout the Delivery Year or in future periods) will be deemed as a continuing representation by the owner of the generating units that each time its generating units are run in accordance with the program it is being run in compliance with all applicable permits, including any emissions, run-time limits or other constraint on plant operations that may be imposed by such permits. The end user customer shall be and remain responsible for all its costs associated with environmental and other laws and its compliance with the foregoing permits, including but not limited to all fines and penalties.

(f) **The Participating Member** or the end user customer shall be required to have appropriate metering equipment installed at the end user customer generation or otherwise for non-generation demand response resources such that the Agency will be able to measure the load reduction on an integrated hourly basis. The metering equipment must meet the RTO's metering requirements. The cost of the metering equipment shall be paid by the end user customer or the Participating Member and will not be reimbursed by the Agency.

(g) **The end user customer** shall be required to have installed and/or to grant IMEA all required license, access and permission to come on its premises during all necessary times to maintain appropriate communications equipment and communications service so that IMEA may monitor the generation or load reduction in real time, and the end user customer shall be required to have at all relevant times under the program the ability to be capable of receiving notification from IMEA (upon IMEA's receipt of notification from the RTO) to participate during emergency conditions.

(h) **The end user customer** shall commit in writing to the Agency to provide IMEA with all information reasonably requested by IMEA or necessary for IMEA to comply with the rules, regulations, business practices and any other requirements of the RTO in connection with the RTO programs.

(i) **The end user customer** must commit in writing to the Agency to comply in a timely manner with any and all testing or other verification requirements imposed by the RTO with respect to the demand response resources.

(j) **The end user customer** must commit in writing to the Agency to run its generation or otherwise reduce load (for non-generation demand response resources) up to the level placed into the program upon notification to do so under the program, and the Participating Member or the end user customer shall be required to make a commitment in writing to the Agency to pay any penalties imposed by the RTO for failure to comply with directions for load reduction.

7. **Program Operations**. The requirements of the program for each demand response resource shall be determined by the appropriate tariff, contract, business manual or other appropriate controlling document of the RTO for the RTO program within which the resource is placed.

For example, under the PJM ILR Program, the demand response resource would need to be available to be called upon for up to ten events throughout the program delivery year (June 1 of the appropriate calendar year through May 31 of the following calendar year) and would need to be able to respond and come up to full capacity commitment within one hour of notification. Each event would be limited to six consecutive hours between 12:00 PM and 8:00 PM (Eastern Prevailing Time) for the months of May through September and between 2:00 PM and 10:00 PM for the months of October through April on

weekdays other than PJM holidays. IMEA would be paid a fixed capacity payment by PJM for the demand response resources placed into the PJM program based on the auction price. If a demand response resource participating in the PJM program is unable to respond to an event that occurs during the summer months, there would be a penalty from PJM and a corresponding reduction or reimbursement of the capacity payment associated with such resource under this IMEA program.

If IMEA Staff determines in the discretion of the President & CEO that it can put demand response resources into a particular program of an RTO, IMEA will take necessary steps to offer that opportunity to Participating Members and the demand response resources of their end user customers. The operating requirements would be based on the operating requirements of the RTO for such program or parts thereof, which may differ from the operating procedures of other RTO programs.

The end-user customer shall abide by its commitment to provide IMEA with all information necessary for IMEA to comply with the rules, regulations, business practices and any other requirements of the RTO in connection with the RTO's programs. The end user customer shall abide by its commitment to run generation or otherwise reduce load (for non-generation demand response resources) up to the level placed into the program upon notification to do so under the program.

8. **Verification and Testing.** The participating Member shall read the metering equipment associated with the demand response resources on it system promptly upon any program event where load reduction is required and shall provide all required information to IMEA in a timely manner so that IMEA may meet the verification requirements of the RTO. The end user customer shall abide by its commitment to have its demand response resources tested in accordance with the RTO's requirements.

9. **Compensation.** Compensation will be made by the Agency to the Participating Member for participation in the program if and only if and to the extent the Agency receives payment or credits from the RTO in connection with the individual demand response resource.

IMEA shall share the net revenues from the capacity payments under the RTO program with the Participating Member on a 50/50 basis. The amount which the Participating Members shares with the end user customer would be a matter to be determined by the Participating Member and the end user customer.

For example, under the currently existing PJM ILR Program, IMEA would be paid a fixed capacity payment by PJM for the demand response resources placed into the PJM program based on the auction price. If demand response resources participating in the PJM program are unable or the end user customer otherwise is unwilling or fails to respond to an event that occurs during the summer months, there would be a penalty from PJM which would be subtracted out of any compensation associated with such resources, and if the monthly payment is not sufficient to cover the penalty the remainder of the penalty shall be billed to the Participating Member.

IMEA would not reimburse the Participating Member for the end user customer's cost of fuel for any generation runs required as a result of participation in the program and would not make any generation payment in connection with any generation runs required as a result of participation in the program, provided however any energy produced by the running of generation shall not be added back to the Participating Member's invoice for power purchased under the Power Sales Contract.

Compensation shall be in the form of either direct payment to the Participating Member or through credits on the Participating Member's invoice for power purchased under its Power Sales Contract. Such credits shall be paid as payments are received by IMEA from the RTO.

10. **Penalties.** IMEA shall not be responsible for any penalty imposed by the RTO for the failure to respond by the end user customer's demand response resources. The Participating Member or the end user customer shall be responsible to pay any penalties imposed by the RTO. If demand response resources participating in an RTO program are unable or the end user customer otherwise is unwilling or fails to respond to an event and a penalty is imposed on IMEA, the penalty shall be billed to the Participating Member by IMEA. The manner in which the Participating Member would recover the penalty from the end user customer would be a matter to be determined by the Participating Member.

(Ord. 2011-M-7 § 3.)

Chapter 13.12

SEWERS

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13.12.100 Purpose and Policy

This chapter sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the purpose of enabling the City to comply with applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq*.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this chapter are:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This chapter shall apply to all Users of the Publicly Owned Treatment Works. The chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

13.12.110 Administration

Except as otherwise provided herein, the Director of Public Works shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director of Public Works to other City personnel.

13.12.120 Abbreviations

The following abbreviations, when used in this chapter, shall have the designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- FOG - Fats, oil and grease
- GPD - gallons per day
- IEPA - Illinois Environmental Protection Agency

- MG/L - milligrams per liter
- NPDES- - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- U.S.C. - United States Code

13.12.130 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

1. Accidental Discharges. Unplanned release of substances either directly or indirectly in such magnitude to cause substantial effects on receiving systems or treatment processes. Release is the result of accident, act of nature or operational malfunctions.
2. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq*.
3. Administrator. The Administrator of the United States Environmental Protection Agency.
4. Applicable Pretreatment Standards. For any specified pollutant, the prohibitive discharge standards, specific limitations on discharge, the State of Illinois pretreatment standards or the National Categorical Pretreatment Standards (when effective), whichever standard is most stringent.
5. Approved. Item or procedure must meet the conditions of and be accepted by the City of St. Charles.
6. Approval Authority. USEPA
7. Authorized Representative.
   a. If the User is a corporation:
      1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
      2) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
   b. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
   c. If the User is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
   d. If the User is a limited liability partnership, limited liability company, or any other entity not previously described:
      1) a person in charge of principal business functions or any other person who performs similar policy or decision-making functions for the entity; or
      2) the manager of one or more manufacturing, production, or operation facilities employing more than two hundred-fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with the entity's procedures; or

3) any person having written authorization satisfying the requirements of paragraph e from such entity.

e. The individuals described in paragraphs a through d, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

f. If an authorization under paragraph e is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of paragraph e must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

8. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 centigrade, usually expressed as a concentration (e.g., mg/l).
9. Building Sanitary Sewer. A sewer, which carries only sewage and industrial wastes from the building plumbing to the public sanitary sewer.
10. Building Storm Sewer. A sewer, which carries storm drainage, surface water, foundation drainage and roof drainage but excludes sewage and industrial wastes from the building plumbing to a public storm sewer or natural outlet.
11. Bypass. The intentional diversion of waste streams from any portion of a User's treatment facility.
12. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
13. Carbonaceous Biochemical Oxygen Demand or CBOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter, excluding the quantity of oxygen utilized for nitrogenous oxygen demand.
14. City. The City of St. Charles, Kane and DuPage Counties, Illinois.
15. Compatible Pollutant. Biochemical oxygen demand, suspended solids, FOG, pH and fecal coli form bacteria.
16. Composite Sample. Sample of wastewater based on a flow proportional or time proportional method.
17. Concentration Limitations. The limits imposing the amount of a given substance in a discrete unit volume of a solution or applied to a unit weight of solid.
18. Control Authority. The City of St. Charles.
19. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat.
20. Director of Public Works. The Director of Public Works of the City, or his authorized deputy, agent or representative.
21. Discharge The discharge of treated or untreated wastewater to the POTW.
22. Discharger. Any person, firm, establishment, or institution, which discharges wastewater, excluding inflow and infiltration, to a sanitary sewer, which eventually leads into a City-owned sanitary sewer or treatment plant. Each single connection is a separate discharge by a discharger. "User" is used interchangeably with "Discharger".
23. Easement. An acquired legal right for the specific use of land owned by others.

24. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director of Public Works, or other duly authorized official of said agency.
25. Environmental Remediation Water. Discharges from soil and/or groundwater remediations.
26. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
27. FOG. Any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by freon solvent.
28. Garbage. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
29. General Pretreatment Regulations. The General Pretreatment Regulations for Existing and New Sources, 40 CFR Part 403, as amended.
30. Grab Sample. A sample, which is taken from a waste stream with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
31. Hazardous Waste. Any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.
32. Illinois Act. The Environmental Protection Act, as amended 415 ILCS 5/1 et seq.
33. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
34. Incompatible Pollutant. Any pollutant which is not a compatible pollutant as defined in this section.
35. Industrial User. A source of indirect discharge, including but not limited to, a manufacturing, commercial or process facility, or other facility engaged in the purchase or sale of goods, transaction of business or who otherwise renders services to the public.
36. Industrial Wastes. The liquid wastes from industrial processes as distinct from sanitary sewage.
37. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
38. Interference. A discharge, which, 1) alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts a POTW, its treatment processes or operations or its sludge processes, use or disposal; and, 2) therefore, is a cause of a) a violation of any NPDES permit or other permit of the City issued by any State or Federal agency or b) of the prevention of sewage sludge use or disposal in compliance with any of the following statutory provisions and regulations or of permits issued thereunder, or of any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
39. Local Limits. Limits on discharges established by the City in Section 13.12.430.
40. Mass Limitation. Limits imposed upon a discharger based upon volumes or concentrations that are converted to weight units.
41. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
42. Milligrams per liter. A unit of the concentration of water or wastewater constituent. It is 0.001 grams of the constituent in one thousand milliliters of water.

43. National Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.
44. Natural outlet. Any outlet into watercourse, pond, ditch, lake or other body of surface water or groundwater.
45. New Source.
    (1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication in the Code of Federal Regulations of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section 307(c), provided that:
        (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
        (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
        (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
    (2) A site at which an existing source is located and where construction results in a modification rather than a source as defined in Paragraph 43(1) above, provided the construction does not create a new building, structure, facility, or installation meeting the criteria of Paragraph 43 (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
    (3) A site where construction has commenced, including where the owner or operator has:
        (a) Begun, or caused to begin, as part of a continuous onsite construction program,
            (i) any placement, assembly, or installation of facilities or equipment; or
            (ii) site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which are necessary for the placement, assembly, or installation of new source facilities or equipment; or
        (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
46. Non-Residential Dischargers. All dischargers excluding residential dischargers.
47. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
48. NPDES Permit. Any permit or equivalent document or requirements issued by the Administrator or, where appropriate, by the Director of the IEPA, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Act.
49. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of a City NPDES Permit, including an increase in the magnitude or duration of a violation.

50. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, limited liability company, limited liability partnership, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
51. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
52. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
53. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
54. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.
55. Pretreatment Standards. Prohibited discharge standards, categorical standards, and local limits.
56. Prohibited Discharge Standard. Any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR Part 403.5.
57. Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; such prohibitions appear in Section 13.12.400.
58. Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant owned by the City.
59. RCRA. The Resource Conservation and Recovery Act, Public Law 94-482 including all subsequent amendments and applicable regulations promulgated pursuant thereto.
60. Required. That the tasks stated must be done.
61. Residential User or Commercial User. A nonindustrial User and means any User of the treatment works not classified as an Industrial User or excluded as an Industrial User by this Chapter.
62. Shall and May. shall is required; may is permissive.
63. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
64. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
65. Significant Industrial User.
    (1) A User subject to categorical pretreatment standards; or
    (2) A User that:
        (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
        (b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
        (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
    (3) Upon a finding that a User meeting the criteria in paragraph (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment

standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

66. Slug Load or Slug. Any discharge at a flow rate or concentration which potentially would cause interference with the POTW and/or a violation of the prohibited discharge standards in Section 13.12.400. Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period or duration longer than fifteen minutes, more than five times the average twenty-four hour concentration of flows during normal operation and in no event more than five times the allowable concentration of constituents set forth in this Chapter or the User's permit or any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which potentially will cause interference with the POTW and/or violate prohibited discharge standards in Section 13.12.400.
67. Solid Wastes. Any trash, ashes, rags, bottles, tin cans, tree limbs, manure of domestic animals, offal, dead animals or portions thereof, foodstuffs, and wastes thereof other than normally contained in sanitary sewage and any and all other solid objects, materials, refuse or debris. The term ashes shall include the residuum resulting from the combustion of coal, coke, wood or any other material or substance and shall include soot, cinders, slag, and charcoal.
68. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
69. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
70. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering. Nonfilterable solids expressed in milligrams per liter, contained in wastewater and measured by the methods set forth in "Standard Methods for the Examination of Water and Wastewater" or such other method as approved by the United States Environmental Protection Agency.
71. SWDA. The Solid Waste Disposal Act, 42 U.S.C. §6901 et seq.
72. TSS. Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.
73. Toxic Pollutants. Any pollutant or combination of pollutants listed in regulations promulgated by the Administrator under provision of the Act.
74. Unpolluted Water. Water of quality equal to or better than effluent criteria in effect, or water that would not cause violation of receiving stream quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
75. User. A source of indirect discharge.
76. User Severe Property Damage. Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
77. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
78. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
79. Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.
80. Utility Services – Electric, water, sewer, yard waste, and refuse services that are provided by the City or its designated provider. (Ord. 2010-M-9 § 1.)

13.12.200 Sewer engineering and installation.

All sanitary and storm sewer systems shall be engineered and installed in accordance with Chapter 16, Subdivisions and Land Improvement and 18, Flood Damage Protection, respectively, of the St. Charles Municipal Code.

13.12.201 Overhead Sanitary Sewers

A. All building sewers shall be overhead sewers, and are required where the subdivision's preliminary plan was approved after the effective date of this Chapter. No building sewers shall be laid parallel to or within three feet (3') of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade in a straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

B. An overhead sewer shall be required to be constructed in the lowest level of all new structures where the lowest level is three feet below the elevation of the crown of the street adjacent to the structure when such structures contain a toilet or shower facility within the lowest level.

Plumbing fixtures to be served by an overhead sewer shall drain into an ejection pit with pump and tight seal lid which meets the requirements of the Illinois State Plumbing Code. The ejector pit shall be properly sealed, vented and located to receive sewage by gravity flow from which the liquid shall be lifted and discharged into the sanitary sewer service. The discharge size of the pump shall be a minimum of two inches, and discharge line shall be quipped with a backwater check valve, and ball valve. Plumbing fixtures above the aforesaid elevation shall drain entirely by gravity and shall not be drained through the ejection pit.

C. Where an overhead sanitary sewer system is not required by this Section, a threaded floor drain and plug shall be required to be constructed in the basement of any structure with a level lower than three feet below the elevation of the crown of the street adjacent to the residence.

D. Where an overhead sanitary sewer system is not required by this Section, a manual shutoff valve will be required for all utility tubs which are installed in the basement of any structure with a level lower than three feet below the elevation of the crown of the adjacent street.

(Ord. 1997-M-135 § 1.)

13.12.202 Connection permit requirements - Application and issuance.

A. It is unlawful to make any connection with any City sewer without first having obtained a permit therefore.

B. Applications for connection permits shall be made to the Building Commissioner and shall be accompanied by a statement setting forth the purpose of connecting to a City sewer, the premises to be served, the specifications of the sewer pipe to be connected and the drain from the house to the sewer pipe.

C. No permit for connection to any City sewer shall be issued by the Building Commissioner unless it is determined that all applicable ordinances of the City are complied with including all applicable state and federal requirements.

D. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Building Commissioner.

13.12.205 Discharge of stormwater and other unpolluted drainage to sanitary sewer prohibited.

A. No person owning, or in possession of real estate, shall discharge, or cause or permit to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted waters to any sanitary sewer.

B. All downspouts, outside stairwells and roof drains shall discharge onto the ground or be connected to storm sewers, drainage ditches or storm drainage systems. Footing drains shall be connected to sump pumps and discharge shall be made into storm sewers, sewer lines connected to storm sewers, drainage ditches or storm drainage systems. Sump pumps installed to receive and discharge groundwaters or surface waters shall be connected to a storm sewer or into a drainage ditch or storm drainage system. Sump pumps installed to receive and discharge building floor drain flow, laundry tubs or other wastewater shall be connected to the sanitary sewers pursuant to Section 15.04.050. Each individual sump pump shall be used for one function only, either the discharge of uncontaminated storm related groundwaters or the discharge of wastewater.

13.12.210 Unlawful use or construction of private sewage disposal systems.

It is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in Section 13.12.235.

13.12.215 Connection of certain sewers to public sanitary sewer prohibited.

It is unlawful for any person owning or in possession of real estate to connect, permit to be connected or permit to remain connected any sewer to a public sanitary sewer which sewer receives roof drainage, foundation drainage, surface water or groundwater.

13.12.220 Construction of combined sewers prohibited.

It is unlawful to construct combined sewers or other facilities intended to receive both runoff and sewage. Separate sanitary sewers and separate storm sewers shall be provided.

13.12.225 Installation of toilet facilities required by owner.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated in the City and abutting on any street, alley, right-of-way, or easement in which there is now located, or may in the future be located, a public sanitary sewer of the City, are required at their expense to install suitable toilet facilities connecting directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety days after date of official notice to do so; provided, that said public sewer is within one hundred feet of the property line and any downstream portion of the wastewater facilities has sufficient capacity to handle the additional flow.

13.12.230 Unauthorized destruction or defacement of sewage equipment prohibited.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances, or equipment which is a part of the City sewage works.

13.12.235 Private sewage disposal systems requirements generally.

A. Where a public sanitary sewer is not available under the provisions of this Chapter, the building sanitary sewer shall be connected to a private sewage disposal system complying with the provisions of the section.

B. Permit and Fee. No construction shall be permitted for any private sewage disposal system or for any building to be served by a private sewage disposal system, within the City limits, unless a permit for private sewage disposal system has first been obtained from Kane or DuPage Counties. In addition, no permit will be issued unless the construction is to be done by an Illinois Department of Public Health licensed private sewage disposal system contractor. All percolation tests and private sewage disposal system plans shall be completed in conformance with Kane or DuPage County regulations, based on location of property and shall conform to City ordinances. No criteria shall be less stringent than the criteria of the Illinois State Plumbing Code, 225 ILCS 320/1 and the Private Sewage Disposal Licensing Act, 225 ILCS

225/1. Percolation tests shall be conducted and evaluated under the supervision of a registered professional engineer licensed to practice in Illinois.

C. Adoption of Code. There is adopted by the City Council those certain codes, three copies of which have been and are now on file in the Office of the Clerk of the City, which are known as the Illinois State Plumbing Code and the Private Sewage Disposal Licensing Act, the same being hereby adopted and incorporated as fully as if set out at length herein.

D. Inspections and Cleaning. All private sewage disposal systems installed and operated within the City limits may be subject to inspection by the City, to determine if the system is functioning properly and which determination shall include, but not be limited to, a finding concerning the following:

1. Contaminated surface or ground water;
2. Odorant production;
3. Depth of sludge in the septic tank;
4. Clogged seepage field;
5. Improper draining of the plumbing fixtures as a result of clogged septic tank and/or seepage field;
6. Contaminated footing drain sump water.

If, after inspection, it is determined that the private sewage system is not functioning properly, the owner and/or occupant shall be notified in writing to have the necessary work performed to correct the malfunction. If modifications to the system are required and are allowable, pursuant to the Illinois State Plumbing Code and the Private Sewage Disposal Licensing Act and Code, both as modified herein, said modifications shall be done by a licensed private sewage disposal contractor. The owner and/or occupant shall be given a reasonable amount of time. It is the responsibility of the property owner and occupant to have the septic tank cleaned no less than once every five years. The City may require the property owner to submit a copy of the paid bill for such cleaning and services rendered by a licensed private sewage disposal contractor. The City may maintain a file system to inform property owners and occupants of the necessity for cleaning the septic tank.

E. In the event the malfunction cannot be corrected by cleaning and the property is within one hundred (100) feet of an accessible public sewer system, the private system shall be disconnected and connection made to the public sewer system.

13.12.240 Building sewers - Requirements generally.

A. A separate and independent building sanitary sewer shall be provided for every building. The sanitary sewer service shall be installed to within ten (10) feet of the center of each lot or as otherwise approved by the Building Commissioner. A building having one common wall with another building is considered a separate building and shall have its own sanitary sewer.

B. Existing building sanitary sewers and/or storm sewers may be used in connection with new buildings only when they are found on examination and test by the Building Commissioner to meet all requirements of this chapter.

C. New building sanitary and/or storm sewers shall be installed in accordance with the standards and procedures set forth in Chapter 16.

13.12.245 Building sewers - Owner and Occupant responsibility for cost of installation and connection.

All costs and expense incidental to the installation and connection of the building sewers shall be borne by the owner and occupant jointly and severally. The owner shall indemnify and hold the City harmless from any liability or loss including reasonable attorneys fees arising out of or in connection with the installation of the sewer for a building, except, to the extent prohibited by law.

13.12.250 Owner and Occupant Responsibility for Maintenance

The owner and occupant of the premises served by the public sewer system shall jointly and severally properly maintain and operate a building service sewer, house connection or sanitary sewer line to the point of connection to the City sewer system. Maintenance means keeping the sanitary sewer connection, sewer lines and other sewer facilities in satisfactory working condition and in a good state of repair (including but not limited to preventing any obstruction of extraneous material or flows from entering said facilities, protecting said facilities from any damage and keeping same free from defects or malfunctions), and making necessary provisions and taking necessary precautions to assure that said sewer facilities are at all times capable of satisfactorily performing the services and adequately discharging the facilities are intended to perform, discharge or produce.

13.12.265 Inspections of residences to be connected to sewer system.

A. Upon payment of the permit fee, the Building Commissioner shall make the following inspections of each residence to be connected to the sewage system:
   1. An inspection shall be made at the time the sewer ditch is opened and the connection is made to the sewer system to determine that there is proper grade and connection.
   2. An inspection shall be made before the fill is put around the foundation and while the tile is still exposed around the foundation to see that there has been no connection of such drain tile with the sanitary sewer system. The second inspection shall also include the inspection of rough plumbing on the inside of the residence.
   3. A third and final inspection shall be made after the eaves-troughs and downspouts have been installed to see that there is no connection of the aforesaid with the sanitary sewer. This final inspection shall also include an inspection of the fixture connections within the residence.

B. The provisions of the St. Charles Municipal Code relating to excavations in streets shall be complied with in making excavations in streets or other public places for sewer connections.

13.12.300 Use of storm sewers.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to an outlet approved by the Director of Public Works. Industrial cooling water or unpolluted water may be discharged, upon approval of the Director of Public Works, to a storm sewer, or natural outlet, subject however, to the delivery of a copy of all necessary State and Federal Permits to the Director of Public Works.

13.12.310 Unlawful discharge of polluted substances into natural outlets.

It is unlawful to discharge into any natural outlet within the City, or in any area under the jurisdiction of the City, any sanitary sewage, industrial wastes, or any other polluted water, except where suitable treatment has been provided in accordance with the provisions of this Chapter.

13.12.320 Connection of devices discharging polluting substances to stormwater drains prohibited.

It is unlawful for any person, firm, or corporation to connect or cause to be connected, any drain carrying, or to carry, any toilet sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances, to any stormwater drain.

13.12.330 Maintenance of stormwater detention and retention basins.

A. Maintenance. The owner or person in possession, if not the owner, of a detention or retention basin shall maintain the same as follows:
   1. Control the growth of noxious weeds;
   2. Control the creation of conditions which support the growth of mosquitoes and other insects;

3. Control the decrease in available storage by accumulated sediments; and
4. Clean up accumulated debris, flotsam and other materials after run off events have subsided.

The City may accept maintenance assignments of basins, but only through specific acceptance and approval by resolution of the City Council.

B. Inspections. All privately owned detention and retention basins installed and operated within the City limits shall be subject to inspection by the City to determine the physical conditions of required storage capacity and the operational conditions of key elements of the basin and appurtenances.

C. Corrective Measures. If, after inspection, it is determined that the basin and appurtenances are not functioning properly, the owner and person in possession, if not the owner, shall be notified in writing to have the necessary work performed to eliminate the malfunctions. If modifications to the basin and appurtenances are required, they shall be completed in accordance with the provisions of Sections 18.34.52 through 18.34.53 of the St. Charles Municipal Code. The owner and occupant shall be given a reasonable amount of time. The City shall maintain a file system to inform the owner or person in possession, if not the owner, of the necessity for cleaning the basin and appurtenances. The failure of the City to maintain such file system or failure to notify an owner or person in possession shall be no defense to an action taken pursuant to this section.

13.12.400 Prohibited Discharge Standards

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions and the specific prohibitions in paragraph B of this section apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 □F (60□C using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 5.5 or more than 9, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch (1/2") or 1.27 centimeters;

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 157 □F (65□C biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 □F (40□C);

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby causing a violation of a City NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director of Public Works in a wastewater discharge permit;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Director of Public Works in a wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l.

(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter;

(19) Hazardous Waste.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

13.12.410 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, as published in the Code of Federal Regulations, revised as of July 1, 1994, published by the Office of the Federal Register, National Archives and Records Administration are hereby incorporated by reference.

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director of Public Works may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Public Works shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(3) A User may obtain a variance from USEPA, or if authorized, IEPA of a categorical pretreatment standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(4) A User may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(5) The User shall identify the Pretreatment Standards applicable to each regulated process.

13.12.420 State Pretreatment Standards

State pretreatment standards located at Title 35: Subtitle C, Chapter 1, Section 302 are hereby incorporated by reference.

13.12.430 Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing pollutants in excess of the following:

62.0	mg/L	Ammonia
0.69	mg/L	Arsenic
2.00	mg/L	Barium
574	mg/L	CBOD
0.85	mg/L	Cadmium
0.50	mg/L	Chromium (hex)
3.00	mg/L	Chromium
1.00	mg/L	Chromium (tri)
1000	mg/L	COD
1.00	mg/L	Copper
0.50	mg/L	Cyanide
123	mg/L	FOG
45.0	mg/L	Fluoride
3.00	mg/L	Iron (dissolved)
32.0	mg/L	Iron
0.50	mg/L	Lead
4.00	mg/L	Manganese
0.0005	mg/L	Mercury
3.00	mg/L	Nickel
0.80	mg/L	Phenols
1.00	mg/L	Selenium
0.20	mg/L	Silver
3500	mg/L	Total Dissolved Solids
540	mg/L	Total Suspended Solids
7.50	mg/L	Zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Director of Public Works may impose mass limitations in addition to, or in place of, the concentration based limitations above. (Ord. 1996-M-72 § 1.)

13.12.440 The City's Right of Revision

The City reserves the right to establish, by chapter or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

13.12.450 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director of Public Works may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

13.12.460 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in this chapter including Sections 13.12.400, 13.12.410, 13.12.420, and 13.12.430 within the time limitations specified by EPA, the State, or the Director of Public Works, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director of Public Works for review, and shall be approved in writing by the Director of Public Works before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this chapter.

13.12.470 Additional Pretreatment Measures

A. Whenever deemed necessary, the Director of Public Works may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this chapter.

B. The Director of Public Works may require any User discharging into the POTW to install and maintain, on the User's property and at the User's expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Public Works, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be of type and capacity approved by the Director of Public Works and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at the User's expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

13.12.480 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Director of Public Works shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control plan. The Director of Public Works may require any Significant Industrial User to develop, submit for approval, and implement such a plan. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the Director of Public Works of any accidental or slug discharge, as required by Section 13.12.570; and

D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

13.12.485 Accidental Discharges

Each User shall provide protection from an accidental discharge of prohibited materials, regulated materials or any other substances regulated. Where necessary, facilities to prevent an accidental discharge of the above mentioned materials shall be provided and maintained at the User's own cost and expense. Detailed plans

showing facilities and operating procedures to the city for review, and shall be approved by the city before construction and operation of the facility. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet all the requirements.

Users shall notify the City immediately upon knowing of the discharge of substances prohibited or regulated by this chapter. Notification shall include location of discharge, date and time thereof, type of waste, concentrations and volume, and corrective actions to be taken. The User shall be required to submit a written explanation of any "slug loads" or accidental discharges within five working days after the first notification.

Signs shall be permanently posted in conspicuous places advising employees whom to call in the event of an accidental spill of prohibited materials. In lieu of using signs, User may use an alternative method for training employees in the procedures for reporting of accidental discharges.

Follow up reports may be required as needed. Such report, or reports, shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such report relieve the User of any fines, civil penalties, or other liability which may be imposed by this chapter or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available, result in the revocation of the discharger's wastewater permit.

13.12.500 Wastewater Discharge Permit Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director of Public Works, except that a Significant Industrial User that has filed a timely application pursuant to Section 13.12.540 of this chapter may continue to discharge for the time period specified therein, provided the discharge in all other respects does not violate any provision of this chapter.

B. The Director of Public Works may require other Users as well as Significant Industrial Users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set forth in this Chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements and local limits or with any other requirements of Federal, State, and local law.

13.12.505 Wastewater Analysis

When requested by the Director of Public Works, a User shall submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director of Public Works is authorized to prepare a form for this purpose and may periodically require Users to update this information.

13.12.510 Industrial User Wastewater Discharge Permit Application.

A. Applications for discharge permits shall be made to the Director of Public Works and shall be accompanied by a statement setting forth the purpose of connecting to a City sewer, the premises to be served, the specifications of the sewer pipe to be connected and the drain or drains from the structure to the sewer pipe.

B. Industrial Users, when issued a wastewater discharge permit by the City shall pay a fee of $100.00. Such fee is due and payable prior to the discharge permit being issued, modified or renewed.

13.12.520 Wastewater Discharge Permitting: Existing Source

Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to May 25, 1995 and who wishes to continue such discharges in the future, shall, within ninety (90) days after May 25, 1995, apply to the Director of Public Works for a wastewater discharge permit in accordance with Section 13.12.540 of this chapter, and shall not cause or allow discharges to the POTW to continue after

one hundred eighty (180) days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the Director of Public Works.

13.12.530 Wastewater Discharge Permitting: New Source

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW shall obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 13.12.540 of this chapter, shall be filed at least one hundred eighty (180) days prior to the date upon which any discharge will begin or recommence.

13.12.540 Wastewater Discharge Permit Application Contents

All Users required to obtain a wastewater discharge permit shall submit a permit application. The Director of Public Works may require all Users to submit as part of an application the following information:

A. All information required by Section 13.12.600(B);
B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
D. Each product produced by type, amount, process or processes, and rate of production;
E. Type and amount of raw materials processed (average and maximum per day);
F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
G. Time and duration of discharges; and
H. Any other information as may be deemed necessary by the Director of Public Works to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

13.12.550 Application Signatories and Certification

All wastewater discharge permit applications and User reports shall be signed by an authorized representative of the User and contain the following certification statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

13.12.560 Wastewater Discharge Permit Decisions

The Director of Public Works will evaluate the data furnished by the User and may require additional information. A wastewater discharge permit application shall be deemed complete when the Director of Public Works has received all such data and additional information required, if any. Within ninety (90) days of receipt of a complete wastewater discharge permit application, the Director of Public Works will determine whether or not to issue a wastewater discharge permit. The Director of Public Works may deny any application for a wastewater discharge permit. No permit shall issue without the specific approval of the Director of Public Works.

13.12.565 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director of Public Works. Each wastewater discharge permit will indicate a specific date upon which it will expire.

13.12.570 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director of Public Works to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits shall contain the following matters; provided, however, a failure to include any such matter shall not invalidate or limit the requirements of such permit:
   (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
   (2) A statement that the wastewater discharge permit is nontransferable;
   (3) Effluent limits based on applicable pretreatment standards;
   (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
   (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
   (6) Notification requirement to report to the City either orally or in writing, any violation of applicable pretreatment standards within twenty-four (24) hours of occurrence.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
   (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
   (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
   (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
   (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
   (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
   (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
   (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal, State and local pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
   (8) Notification requirement to report to the City, either orally or in writing any slug load discharges into the POTW, within 24 hours of occurrence; and

(9) Other conditions as deemed appropriate by the Director of Public Works to ensure compliance with this chapter, and State and Federal laws, rules, and regulations.

13.12.575 Wastewater Discharge Permit Appeals

The Director of Public Works shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the User, may petition the Director of Public Works to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party shall indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

D. If the Director of Public Works fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision shall do so by filing a complaint with the Circuit Court for Kane County within thirty-five (35) days of the date of the final administrative wastewater discharge permit decision. Such proceeding shall be in accordance with the applicable statutes for judicial review of administrative decisions, or declaratory judgement, whichever applies.

13.12.580 Wastewater Discharge Permit Modification

The Director of Public Works may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

E. Violation of any terms or conditions of the wastewater discharge permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

H. To correct typographical or other errors in the wastewater discharge permit; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

13.12.585 Wastewater Discharge Permit Revocation

The Director of Public Works may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. Failure to notify the Director of Public Works of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the Director of Public Works of changed conditions pursuant to Section 13.12.620;

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
D. Falsifying self-monitoring reports;
E. Tampering with monitoring equipment;
F. Refusing to allow the Director of Public Works timely access to the facility premises and records;
G. Failure to meet effluent limitations;
H. Failure to pay fines;
I. Failure to pay sewer charges;
J. Failure to meet compliance schedules;
K. Failure to complete and submit a wastewater survey or the wastewater discharge permit application;
L. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.
N. Violation of this chapter, its permit, the Illinois Act or the Act, or regulations promulgated under either act.
O. Failure of a User to factually report the wastewater constituents and characteristics of its discharge as determined by the User's or City's analysis.
P. Failure to report an accidental discharge of a pollutant.
Q. Failure to report an upset of User's treatment facilities.

Wastewater discharge permits automatically expire upon cessation of operations or transfer of business ownership, unless a transfer is authorized by the Director of Public Works pursuant to Section 13.12.587. All wastewater discharge permits issued to a particular User automatically expire and are void upon the issuance of a new wastewater discharge permit to that User.

13.12.586 Procedures for Revocation

A. The Director of Public Works may order any User who causes or allows any action relative to a permit which is subject to revocation under Section 13.12.585 above to show cause before a hearing officer designated by the Mayor with advice and consent of the City Council why the permit should not be revoked. A notice shall be served on the User specifying the time and place of a hearing to be held by such hearing officer regarding the violation, the reasons why the action is to be taken, the proposed action, and directing the User to show cause before the hearing why its permit should not be revoked. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, except where the Director of Public Works determines an emergency exists, at least ten (10) days before the hearing. Service may be made on any agent or officer of a User.
B. The City Council may itself conduct the hearing and take the evidence, or may designate any of its members, its attorney or other person as a hearing officer to:
   1. Issue in the name of the City notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
   2. Take the evidence;
   3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendation to the City Council for action thereon.
C. At any hearing held pursuant to this chapter, testimony taken shall be under oath and recorded. The transcript, so recorded, will be made available to any party to the hearing upon payment of the usual copying charges therefore.

D. After the City Council has reviewed the evidence, it may issue an order to the User responsible for the discharge directing:
   1. that the discharge permit be revoked and the service be disconnected;
   2. that following a specified time the permit shall be revoked and sewer service discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and operated properly to comply with the discharge permit;
   3. direct the User to cease the unauthorized discharge effective after a specified period of time; or
   4. that such other relief as deemed necessary by the City Council to abate the discharge be granted. Further orders and directives as are necessary may be issued.

E. Following an order of revocation, the User shall cease discharging to the City's POTW. Failure to do so shall be evidence of continuing harm to the City and provide grounds for the granting of injunctive relief or temporary restraining orders.

13.12.587 Transfer of Permits

A. The Director of Public Works may authorize a transfer of a wastewater discharge permit upon application, providing notice of proposed transfer of business ownership has been given him which contains such information the Director of Public Works may require.

B. At a minimum, the Director of Public Works will require the new owner or operator to provide a written certification that:
   (1) states that the new owner or operator has no immediate intent to change the facility's operations and processes;
   (2) identifies the specific date on which the transfer is to occur; and
   (3) acknowledges full responsibility for complying with the existing wastewater discharge permit.

13.12.590 Wastewater Discharge Permit Reissuance

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 13.12.510, a minimum of one hundred eighty (180) days prior to the expiration of the User's existing wastewater discharge permit.

13.12.600 Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, any existing categorical User currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Public Works a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of its discharge, a new source, or source that becomes a categorical User subsequent to the promulgation of an applicable categorical standard, shall submit to the Director of Public Works a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.
   (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
   (2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(5) Measurement of Pollutants.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director of Public Works, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 13.12.645.

(c) Sampling shall be performed in accordance with procedures set out in Section 13.12.645.

(6) Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section shall meet the requirements set out in Section 13.12.605.

(8) Signature and Certification. All baseline monitoring reports shall be signed and certified in accordance with Section 13.12.550.

13.12.605 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 13.12.600.

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The User shall submit a progress report to the Director of Public Works no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Director of Public Works.

13.12.610 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such pretreatment standards and requirements shall submit to the Director of Public Works a report containing the information described in Section 13.12.615. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with Section 13.12.550.

13.12.615 Periodic Compliance Reports

A. All Significant Industrial Users shall, at a frequency determined by the Director of Public Works but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with Section 13.12.550.

B. Such reports shall contain:

(1) **Flow Measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(2) **Measurement of Pollutants.**

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director of Public Works, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 13.12.645.

(c) Sampling shall be performed in accordance with procedures set out in Section 13.12.650.

(3) **Certification.** A statement, reviewed by the User's authorized representative and certified by a qualified professional,indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

C. All wastewater samples shall be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

D. If a User subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director of Public Works, using the procedures prescribed in Section 13.12.650, the results of this monitoring shall be included in the report.

13.12.620 Reports of Changed Conditions

Each User shall notify the Director of Public Works of any planned significant changes to the User's operations or system which might alter the nature, character, or volume of its wastewater at least thirty (30) days before the change.

A. The Director of Public Works may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 13.12.540.

B. The Director of Public Works may issue a wastewater discharge permit under Section 13.12.570 or modify an existing wastewater discharge permit under Section 13.12.580 in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

13.12.625 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Director of Public Works of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

B. Within ten (10 days) following such discharge, the User shall, unless waived by the Director of Public Works, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to St. Charles Municipal Code.

C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

13.12.630 Reports from Unpermitted Users

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director of Public Works as the Director of Public Works may require.

13.12.635 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User shall notify the Director of Public Works within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Public Works within thirty (30) days after becoming aware of the violation. The User is not required to resample if the Director of Public Works monitors at the User's facility at least once a month, or if the Director of Public Works samples between the User's initial sampling and when the User receives the results of this sampling unless the Director of Public Works requires otherwise.

13.12.645 Analytical Requirements

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in Sections 13.12.400, 13.12.430, 13.12.460 and 13.12.600 shall be determined in accordance with 40 CFR Part 136 and amendments thereto or any other test procedures approved by the Administrator.

13.12.650 Sample Collection

A. Except as indicated in Paragraph B, below, the User shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Director of Public Works may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques. A minimum of four (4) grab samples are required.

13.12.655 Timing

Written reports will be deemed to have been submitted on the date received.

13.12.660 Record Keeping

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Such records shall be retained and made available for a period of at least three (3) years. Such period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director of Public Works.

13.12.670 Falsification

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or General and/or Supplemental Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall be subject to the penalties and costs provided in Section 13.12.750 and shall in addition be guilty of a misdemeanor and upon conviction, be punished by a fine of not more than one thousand dollars ($1000.00) or shall be incarcerated in a penal institution other than the penitentiary for a period not to exceed six (6) months.

13.12.690 Confidential Information

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director of Public Works' inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director of Public Works, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request shall be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

13.12.700 Public Notification of Significant NonCompliance

The Director of Public Works shall publish annually, in the largest daily newspaper published in the City, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-(6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-)month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other discharge violation that the Director of Public Works believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director of Public Works' exercise of his or her emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) which the Director of Public Works determines will adversely affect the operation or implementation of the City pretreatment program.

13.12.705 Notice of Violation

When the Director of Public Works or his/her authorized designee finds that a User has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works or designee may serve upon that User a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director of Public Works. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director of Public Works to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

13.12.710 Consent Orders

The Director of Public Works or his/her authorized designee may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 13.12.720 and 13.12.725 and shall be judicially enforceable. Issuance of a consent order shall not be a bar against, or a prerequisite for, taking any other action against the User.

13.12.715 Show Cause Hearing

The Director of Public Works may order a User which has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment

standard or requirement, to appear before the Director of Public Works and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least three (3) days prior to the hearing, unless the Director of Public Works determines an emergency exists and less time is warranted. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

13.12.720 Compliance Orders

When the Director of Public Works finds that a User has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

13.12.725 Cease and Desist Orders

When the Director of Public Works or his/her authorized designee finds that a User has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Director of Public Works may issue an order to the User directing it to cease and desist all such violations and directing the User to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

13.12.730 Administrative Settlement in Lieu of Civil Penalty

A. When the Director of Public Works finds that a User has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may upon agreement of the User, enter an order of administrative settlement in lieu of civil penalty against such User in an amount not to exceed $1000.00. Such settlements shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, administrative settlements in lieu of civil penalty shall be assessed for each day during the period of violation.

B. Users desiring to dispute such settlements shall file a written request for the Director of Public Works to reconsider the administrative settlements in lieu of civil penalty along with full payment of the administrative settlement in lieu of civil penalty amount within ten (10) days of being notified of the administrative settlement in lieu of civil penalty. Where a request has merit, the Director of Public Works may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director of Public Works may add the costs of preparing

administrative enforcement actions, such as notices and orders, to the administrative settlement in lieu of civil penalty.

C. Issuance of an administrative settlement in lieu of civil penalty shall not be a bar against, or a prerequisite for, taking any other action against the User.

13.12.735 Emergency Suspensions

The Director of Public Works or his/her authorized designee may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director of Public Works or designee may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director of Public Works may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director of Public Works may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director of Public Works that the period of endangerment has passed, unless the termination proceedings in Section 13.12.740 are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director of Public Works prior to the date of any show cause or termination hearing under Sections 13.12.715 or 13.12.740.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

13.12.740 Termination of Discharge

In addition to the provisions in Section 13.12.585, any User who violates the following conditions is subject to discharge termination:

A. Violation of wastewater discharge permit conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the pretreatment standards in Sections 13.12.410, 13.12.420 and 13.12.430.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 13.12.715 of this chapter why the proposed action should not be taken. Exercise of this option by the Director of Public Works shall not be a bar to, or a prerequisite for, taking any other action against the User.

13.12.745 Injunctive Relief

When the Director of Public Works finds that a User has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may petition the Circuit Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on

activities of the User. The Director of Public Works may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

13.12.750 Civil Penalties/Penalties and costs.

Any User who is found to have violated an order of the City Council or who has failed to comply with any provision of this chapter, any rules and regulations, permits or orders issued hereunder, shall be fined in an amount not less than five dollars ($5.00) nor more than one thousand dollars ($1000.00). For the purpose of this section, each day in which any such violation shall occur or continue, shall be deemed a separate violation, and a separate violation shall be deemed to have occurred for each constituent found to exceed the limits established in this chapter during any such day. For each separate violation, each such person shall be fined an amount not to exceed one thousand dollars ($1000.00). In addition to the penalties provided in this Chapter, the City may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit against the person found to have violated this chapter or the rules, regulations, permits or orders issued hereunder.

13.12.755 Criminal Prosecution

A. A User who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1000.00 per violation, or imprisonment for not more than six (6) months, or both. Each day on which a violation occurs or continues shall be deemed a separate violation.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than $1000.00, or be subject to imprisonment for not more than six (6) months, or both. Each day on which a violation occurs or continues shall be deemed a separate violation. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than $1000.00 per violation, or imprisonment for not more than six (6) months, or both.

D. In the event of a second conviction, a User shall be punished by a fine of not more than $1000.00 per violation, or imprisonment for not more than six (6) months, or both. Each day on which a violation occurs or continues shall be deemed a separate violation.

13.12.760 Remedies Nonexclusive

The remedies provided for in this chapter are not exclusive. The Director of Public Works may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan; provided, however, the Director of Public Works may take other action against any User when the circumstances warrant. Further, the Director of Public Works is empowered to take more than one enforcement action against any noncompliant User.

13.12.770 Performance Bonds

The Director of Public Works may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such User first files a satisfactory

bond, payable to the City, in a form and of a sum not to exceed a value determined by the Director of Public Works to be necessary to achieve consistent compliance.

13.12.777 Liability Insurance

The Director of Public Works may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the User first submits proof that it has obtained liability insurance or provides financial assurances sufficient to restore or repair any damage to the POTW it may cause by its discharge.

13.12.780 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the User may be severed. Service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

13.12.783 Public Nuisances

A violation of any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director of Public Works. Any person(s) creating a public nuisance shall be subject to the provisions governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

13.12.785 Disqualification Contractor Listing

Users which have not achieved compliance with applicable pretreatment standards and requirements may not be eligible to receive a contractual award for the sale of goods or services to the City.

13.12.786 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-32 § 1.)

13.12.787 Right of cut-off service - Reconnection procedure for non-payment.

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. (Ord. 2010-M-4 § 1.)

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-4 § 1.)

13.12.788 Lien rights.

A. Whenever a bill for sewer service, including any charge, penalty or fine pursuant to this chapter, remains unpaid sixty days after is has been rendered, the City Attorney shall file with the Recorder of Deeds of the appropriate county a statement of lien claim. This statement shall contain a legal description of the premises served, the amount of the unpaid bill, and a notice that the City claims a lien for such amount as well as for all charges for sewer service subsequent to the period covered by the bill.

B. If the customer whose bill is unpaid is not the owner of the premises, the City Clerk shall notify the owner of the premises if his address is known to the Clerk, whenever such bill remains unpaid for a period of ninety days after it has been rendered.

C. The failure of the City Attorney 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 sewer bills mentioned in subsection D of this Section.

D. Property subject to a lien for unpaid sewer service 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 or other appropriate proceeding 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 sewer service has remained unpaid ninety days after it has been rendered:

13.12.790 Affirmative Defense - Upset

A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.

C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the User can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The User has submitted the following information to the Director of Public Works within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission shall be provided within five (5) days:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.12.795 Affirmative Defense to Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 13.12.400 or the specific prohibitions in Sections 12.12.410, 13.12.420, and 13.12.430 if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.12.799 Bypass

A. A User may allow any User Bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. Such User Bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

B. (1) If a User knows in advance of the need for a User Bypass, it shall submit prior notice to the Director of Public Works, at least ten (10) days before the date of the User Bypass, if possible.

(2) A User shall submit oral notice to the Director of Public Works of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the User Bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the User Bypass. The written submission shall contain a description of the User Bypass and its cause; the duration of the bypass, including exact dates and times, and, if the User Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the User Bypass. The Director of Public Works may waive in writing the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

C. (1) User Bypass is prohibited, and the Director of Public Works may take an enforcement action against a User for a bypass, unless

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The User submitted notices as required under paragraph (C) of this section.

(2) The Director of Public Works may approve an anticipated User Bypass, after considering its adverse effects, if the Director of Public Works determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

13.12.800 Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City of St. Charles's Pretreatment Program which may include:

A. Fees for wastewater discharge permit applications including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;

C. Fees for reviewing and responding to accidental discharge procedures and construction;

D. Fees for filing appeals; and

E. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties collectable by the City.

F. Fees for sampling and testing as described in Section 13.12.900 are as follows:

Sample Collection	$13.00/sampling
Heavy Metal Analysis	$10.00/test
Acid Digestion	$10.00/sample
Biological Oxygen Demand	$ 6.00/sample
Fats, oils, and grease	$ 6.00/sample
Fluoride	$ 6.00/sample
Total Dissolved Solids	$ 6.00/sample
pH	$ 2.00/sample
Nitrogen, ammonia	$10.00/sample
Nitrogen, ammonia distillation	$10.00/sample
Chemical Oxygen demand	$10.00/sample
Total Suspended Solids	$ 6.00/sample

Bills for monitoring services shall be sent out monthly for all customers and shall be due and payable thirty 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.

13.12.810 Surcharge to Industrial Users for Discharge of Compatible Pollutants

A. All Users shall comply with the limits imposed upon the discharge of Compatible Pollutants. Upon written request by a User, the Director of Public Works may, in his or her sole discretion, approve the discharge of such pollutants in excess of the stated concentration limits, provided that such User shall pay a surcharge calculated in accordance with this Section 13.12.810. Approval of such discharge and the surcharge requirement shall be set forth in the User's wastewater discharge permit.

B. Users permitted to discharge Compatible Pollutants in excess of the stated limits, either singly or collectively, shall pay a surcharge according to the following schedule:

$0.32 for every pound of BOD discharged above the stated limits
$0.24 for every pound of TSS discharged above the stated limits
$0.11 for every pound of FOG discharged above the stated limits

The following formula shall be used for calculating the pounds of excess in the User’s discharge:

(actual concentration {mg/L} - Code limit {mg/L})(8.34 lbs./gal.)(Volume of discharge)

C. All measurements, tests, and analysis of the characteristics of the wastewater to determine the User surcharge shall be conducted as under Sections 13.12.645 and 13.12.690.

D. All Industrial Users shall be charged for sample collection and laboratory analysis in accordance with Section 13.12.800.

E. Environmental Remediation

Surcharge: $0.10 per gallon of discharge

(Ord. 1998-M-12 § 1.)

13.12.820 Connection fees.

A. The fees for each permit allowing connection with the City sewer systems and tributary to the Fox River Wastewater Treatment Facility located along IL Route 25 shall be as follows:

1. Residential Dwelling Units

Single and multiple family dwelling units.

Class	Description	Square Feet	Connection Fee
1	Dwelling Unit	Over 1,000	$1,520
2	Dwelling Unit	Under 1,000	$1,120
3	Dwelling Unit	800 Maximum	$1,000

2. Other Uses

a. All Users other than residential dwelling units, described 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 the daily maximum (i.e., peak) water usage for calculating the connection fee is $4.30. In no case shall the connection fee be less than the fee for a Class 1 dwelling unit.

b. Once the actual usage begins and it is determined that the actual daily maximum (i.e., peak) water usage is larger than the estimated daily maximum (i.e., peak) water usage, there will be an additional fee for the gallons per day over the original estimated daily maximum (i.e., peak) water usage based on $4.30 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.

B. The fees for each permit allowing connection with the City sewer systems and tributary to the West Side Wastewater Treatment Facility located along IL Route 38 shall be as follows:

1. Residential Dwelling Units

Single and multiple family dwelling units.

Description	Connection Fee
Single Family Detached	$2,985.50
Single Family Attached	$2,559.00

2. Public Land District – Correctional Facility

a. A Public Land District – Correctional Facility shall pay a connection fee based upon fifty percent (50%) of the estimated daily wastewater discharge 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 the daily wastewater discharge for calculating the connection fee is $8.53.

b. After twelve (12) months of full occupancy the balance of the connection fee shall be paid based on the actual daily wastewater discharge at the facility. The charge per gallon of the daily wastewater discharge is $8.53.

3. Other Uses

a. All Users other than residential dwelling units and public land district – correctional facility described 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 the daily maximum (i.e. peak) water usage for calculating the connection fee is

"$8.53. In no case shall the connection fee be less than the fee for a single-family detached dwelling unit.

b. Once the actual usage begins and it is determined that the actual daily maximum (i.e. peak) water usage is larger than the estimated daily maximum (i.e. peak) water usage, there will be an additional fee for the gallons per day over the original estimated daily maximum (i.e. peak) water usage based on $8.53 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. 2008-M-23 § 1; Ord. 2000-M-3 § 1; Ord. 1998-M-117§1; Ord. 1998-M-30§1; Ord. 1997-M-65 § 1; Ord. 1996-M-36 § 1; Ord. 1995-M-18 § 1.)

13.12.830 Charges for Residential Users

A. The residential sewer user charge shall be as follows:

1. The following rate shall be charged for sewer service to all residential users of City sewers based upon metered water consumption: nine dollars and forty-three cents ($9.43) demand charge per month plus three dollars and seventy-four cents ($3.74) per one thousand gallons of water used with a maximum sewer charge not to exceed 130% of a residential user's winter quarter water usage average. The residential user's "winter quarter" water usage shall be defined as the water that is billed to the user in the months of January, February, and March. When the 130% calculation produces a fractional result, the customer maximum will be raised to the next whole number.

(Ord. 2011-M-19 § 1; Ord. 2010-M-32 § 1.)

2. Residential users in a building with more than one dwelling unit and with each unit having a sewer connection but no city water meter shall be charged the existing residential sewer demand charge per month. Sewer usage charge shall be billed to the customer billed for the water service and shall be based on the water used at the existing residential sewer rate per one thousand gallons.

3. Residential users in a building with only one dwelling unit with sewer connection but no city water purchases shall be charged for eight thousand gallons of usage at the existing residential rate per one thousand gallons plus the existing demand charge per month.

4. For new or recently constructed residential buildings or other customers which have a water meter and an incomplete history of water consumption during a winter quarter, the existing residential rate per thousand gallons plus the existing demand charge per month shall be applied to their metered water consumption until the completion of a winter quarter.

(Ord. 2009-M-24 § 1; Ord. 2008-M-30 § 1; Ord. 2007-M-40 § 1; Ord. 2005-M-19 § 1; Ord. 2002-M-28 § 1; Ord. 2000-M-44 § 1; Ord. 1999-M-34 § 1; Ord. 1998-M-30 § 2; Ord. 1997-M-82 § 1; Ord. 1997-M-18; Ord. 1996-M-80 § 1; Ord. 1996-M-79 § 1; Ord. 1996-M-36 § 1; Ord. 1995-M-18 § 1.)

13.12.840 User Charges for Metered Water Consumption and Nonresidential Use

A. The non-residential sewer user charge shall be as follows:

1. The following rate shall be charged for sewer service to all non-residential users of City sewers based upon metered water consumption: nine dollars and forty-three cents ($9.43) demand charge per month plus three dollars and seventy-four cents ($3.74) per one thousand gallons of water used.

(Ord. 2011-M-19 § 1; Ord. 2010-M-32 § 1.)

2. The following rate shall be charged for sewer service to all non-residential users of City sewers where water consumption does not reflect the actual quantity of

wastewater tributary to the wastewater treatment works: nine dollars and forty-three cents ($9.43) demand charge per month plus three dollars and seventy-four cents ($3.74) per one thousand gallons of wastewater actually discharged into the sewer system.

(Ord. 2011-M-19 §1; Ord. 2010-M-32 § 1.)

3. Non-residential users in a building with more than one non-residential unit and with each unit having a sewer connection but no city water meter shall be charged the existing non-residential sewer demand charge per month. Sewer usage charge shall be billed to the customer billed for the water service and shall be based on the water used at the existing non-residential sewer rate per one thousand gallons.
4. Non-residential users in a building with no water purchases and a sewer connection without flow measurement equipment shall be charged the existing non-residential sewer demand charge per month, plus a user charge equivalent to six thousand gallons of usage at the existing non-residential sewer use rate per one thousand gallons. Non-residential users may be required to install flow measurement equipment pursuant to the conditions set forth in Section 13.12.940B.

(Ord. 2010-M-32 § 1; Ord. 2009-M-24 § 2; Ord. 2008-M-30 § 2; Ord. 2007-M-39 § 1; Ord. 2005-M-19 § 2; Ord. 2002-M-28 § 2; Ord. 1999-M-34 § 2; Ord. 1998-M-118 § 1; Ord. 1998-M-30 § 3; Ord. 1998-M-8 § 1; Ord. 1997-M-65 § 1; Ord. 1996-M-80 § 2; Ord. 1996-M-79 § 2; Ord. 1996-M-36 § 1; Ord. 1995-M-18 § 1.)

13.12.850 Bills - When due and payable and charge for late payment.

Bills for sewer 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.

13.12.900 Monitoring program by City.

The Director of Public Works shall maintain a program of monitoring Industrial User discharges; provided, that any Significant Industrial User shall be monitored no less than twelve times annually and any Industrial User that has a population equivalent, as determined by Section 13.12.810, equal to or greater than one hundred shall be monitored no less than once annually. All other Industrial Users shall be monitored at such frequency as deemed necessary by the Director of Public Works. Monitoring shall consist of the taking and testing of grab samples or twenty-four hour composite samples as deemed reasonably necessary by the Director of Public Works for determination of the population equivalent of the industrial User. The monitoring data collected shall be used to determine the population equivalent in accordance with Section 13.12.810 In the event that a sampling manhole does not exist, the "sampling manhole" shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected, until such time as the sampling manhole has been constructed. Industrial Users shall be subject to fees for sampling and testing of their discharge as it pertains to the City's monitoring program.

Where required by the City, additional control manholes or sampling chambers shall be provided at the end of each industrial process within an Industrial User's facility suitable for the determination of compliance with pretreatment standards.

13.12.910 Right of Entry: Inspection and Sampling

The Director of Public Works or his/her authorized designee shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Director of Public Works or designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Public Works or designee will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Director of Public Works or his/her authorized designee shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

C. The industrial User may request that the representative of the City state the purpose of any inspection, and further, may request that such representative abide by reasonable safety and hygiene requirements.

D. The Director of Public Works may require the User to install monitoring equipment as necessary in accordance with Section 13.12.690. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated bi-annually to ensure their accuracy.

E. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director of Public Works and shall not be replaced. The costs of clearing such access shall be born by the User.

F. Nothing herein shall be construed to limit or restrict any User from exercising any right it may have to object to the nature and extent of any inspection access request or to object to any inspection access request as not necessary to carry out the purposes of the City pursuant to this chapter.

G. Unreasonable delays in allowing the Director of Public Works or his/her authorized designee access to the User's premises shall be a violation of this chapter.

13.12.920 Search Warrants

If the Director of Public Works or his/her authorized designee has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director of Public Works or his/her authorized designee may seek issuance of a search warrant from the Circuit Court.

13.12.940 Control manhole device and sampling requirements: Location, construction, maintenance and facility monitoring

A. When required by the Director of Public Works, the owner and/or occupant of any property served by a building sanitary sewer carrying industrial waste shall install a suitable control manhole in the building sanitary sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall include but not be limited to being accessible, safely located, and provide for 110 volt hookup and shall be constructed in accordance with plans approved by the Director of Public Works. The manhole shall be installed by the owner and/or occupant at his expense, and shall be maintained by him so as to be safe and accessible to the City at all times.

B. When in the judgment of the Director of Public Works there exists sufficient volumes and/or quantities of contaminants that may interfere with the performance of the City sewage system, the Director of Public Works may require the owner and/or occupant of any property and/or an Industrial User served by a building sanitary sewer carrying industrial wastes to

install composite sampling equipment and/or flow measurement equipment. Said composite sampling and flow measurement equipment shall be installed by the property owner and/or occupant at its expense and shall be maintained by it as to be functional at all times, safe and accessible to the City.

C. The owner and/or occupant shall be responsible for monitoring its effluent to insure that its discharge meets City chapters, state and federal law. It is also responsible for having knowledge of the contaminants in its wastewater and the specific limitations relative to its discharge. Records shall be kept by the owner and/or occupant of the results of all sampling and/or flow measurements. Such documentation shall be available to appropriate City personnel at all reasonable times. Records shall be kept by the owner and/or occupant no less than three years or longer if required by state or federal laws prior to discard or if an enforcement action is pending.

D. Where composite sampling equipment is available, the City shall utilize such composite samples for purposes of calculating surcharges pursuant to Section 13.12.810. The average of all composite samples during the monitoring period shall be used to determine the multiplier. Should the composite sampling equipment malfunction or if it does not exist, the City shall use composited grab samples of not less than four aliquots in a 24 hour period, unless the User agrees to less than four grab samples in a 24 hour period, to determine surcharges as set forth in Section 13.12.810. The average of all grab samples taken by the City during the billing period shall be used for the multiplier. Where nonfunctional composite equipment exists and at such time that a grab sample exceeds the limitations specified in Section 13.12.400 hereof for total suspended solids, C.B.O.D., ammonia, phosphorous or grease, the City and waste generator shall split grab samples no less than five samples per week until the composite sampler is once again functional. Should the composite sampler become functional prior to the end of the billing period, composite samples shall be taken no less than five per week for the remainder of the billing period for computing the average of the grab and composite samples to determine the billing multiplier. The Director of Public Works shall decide the time when split sampling will be taken. Should there be a significant discrepancy between the owner's and/or occupant's test results and the City's test results on split samples, the owner and/or occupant may request billing to be based upon testing results from an independent testing laboratory. Upon investigation by the Director of Public Works as to the reasons for the discrepancy in sample results, the Director of Public Works shall take appropriate corrective actions and/or authorize in writing the terms of using a certified independent testing laboratory. The choice of independent laboratory shall be at the discretion of the Director of Public Works. All expenses incurred for monitoring by an independent certified laboratory shall be at the expense of the owner and/or occupant.

E. In the event that no special manhole is available, the control manhole shall be considered to be the downstream manhole in the public sewer nearest to the point at which the building sanitary sewer is connected.

F. Should the Director of Public Works find violations of standards set forth in this Chapter including Section 13.12.410, Section 13.12.420, and/or Section 13.12.430, the Director of Public Works may require the owner and/or occupant to provide access for the use of laboratory testing equipment or to contract for laboratory testing services and provide the City with a copy of the test results of the constituent(s) monitored. Upon review of the products and by products of the owner and/or occupant operation and the type of wastewater that is indigenous to the operation, the Director of Public Works shall also stipulate what constituents are to be monitored to insure proper performance by the City sewerage system in compliance with this Chapter, state and federal law.

G. Where nonfunctional or malfunctioning flow measurement equipment exists, the waste generator and/or Industrial User shall notify the Director of Public Works within twenty-four

hours of his or her knowledge of the malfunction so appropriate interim measurement arrangements can be made.

13.12.950 Severability

If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect."
(Ord. 1995-M-15 § 1.)

13.12.960 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 checks returned unpaid by the bank during the prior twelve-month period.

The 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 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 or refused the service for which such application was made and when all bills have been paid in full; provided, however, that if the applicant has not paid all bills owning the City for such service within thirty days after such service has been discontinued, then the Finance Department 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 during the latest twelve-month period and has received no disconnection notice during that same 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 Finance Director.

(Ord. 2010-M-12 § 1.)

Chapter 13.16

WATER

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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.

Class	Description	Sq. Feet	Connection Fee
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 <u>only</u> 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 15th 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

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:_____"

(Ord. 1997-M-99 § 1.)

Chapter 13.18

GROUNDWATER PROTECTION

Sections:

13.18.100	Purpose
13.18.110	Intent
13.18.120	Administration
13.18.130	Definitions
13.18.140	Establishment of Setback Zones
13.18.150	Applicability
13.18.160	Operating Permits and Permit Conditions
13.18.170	Groundwater Protection Overlay Zones
13.18.180	Minimum Setback Zone Regulations
13.18.190	Maximum Setback Zone Regulations
13.18.200	Five Year Capture Zone Regulations
13.18.210	Unauthorized Releases
13.18.220	Closure Permits and Permit Conditions
13.18.230	Civil Penalties/Penalties and Costs
13.18.240	Criminal Prosecution
13.18.250	Enforcement
13.18.260	Notice of Violation
13.18.270	Appeals
13.18.280	Severability
13.18.290	Inconsistency Repealed
13.18.300	Saving Clause

Exhibits

1	Regulated Substances List
2	Illustration of the Delineated Groundwater Protection Area
3	“Best Management Practices” for the Construction Industry

13.18.100 Purpose

In the interest of securing the public health, safety and welfare, to preserve the quality and quantity of Groundwater resources in order to assure a safe and adequate water supply for the present and future generations, and to preserve Groundwater resources currently in use and those Aquifers having a potential for future use a a public water supply, the provisions of this Chapter shall apply to all properties located within the city of St. Charles. This Chapter establishes regulations for land uses within the Groundwater Protection Areas for: inspection and monitoring standards for new regulated substance facilities; uniform standards for release reporting; emergency response; substance management planning; permit procedures; and enforcement.

13.18.110 Intent

It is the intent of this Chapter to provide a method:

1. To protect the Groundwater resources of the city and the surrounding area.

2. To provide a means of regulating land uses within the Groundwater Protection Areas.

3. To protect the city's drinking water supply and that of the surrounding area from potential impacts by facilities that store, handle, treat, use or produce substances that pose a hazard to Groundwater quality.

13.18.120 Administration

Except as otherwise provided herein, the Director of Public Works shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director of Public Works to other city personnel.

13.18.130 Definitions

Except as stated in this Chapter, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Chapter shall be the same as those used in the Illinois Environmental Protection Act (415 ILCS 5/1 et seq.) and the Illinois Groundwater Protection Act (415 ILCS 55/5 et seq.), as amended from time to time.

Act means the Illinois Environmental Protection Act (415 ILCS 5/1 et seq.).

Agency means the Illinois Environmental Protection Agency.

Aquifer means saturated (with Groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs or streams under ordinary hydraulic gradients.

Board means the Illinois Pollution Control Board.

City means the city of St. Charles, Kane and DuPage Counties, Illinois.

Containment Device means a device that is designed to contain an Unauthorized Release, retain it for cleanup and prevent release materials from penetrating into the ground.

Director of Public Works means the Director of Public Works of the City, or his authorized deputy, agent or representative.

Facility means: any building, structure, installation, equipment, pipe or pipeline including but not limited to any pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or any Site or area where a hazardous substance has been deposited, stored, disposed of, or placed or otherwise come to be located.

Groundwater means underground water which occurs within the Saturated Zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

Groundwater Protection Area ("GWPA") means the portion of an Aquifer within the minimum Setback Zone, maximum Setback Zone, or 5-year capture zone of a Well or Well Field, as delineated in Exhibit 2 of this Chapter.

Groundwater Protection Area Permit means an authorization by the City for a person to store, handle, use or produce a regulated substance within a GWPA.

Groundwater Protection Overlay Zones are zones of the GWPA designated to provide differential levels of protection. Each GWPA is subdivided into three Groundwater Protection Overlay Zones as described below and as illustrated in Exhibit 2.

Zone 1: Minimum Setback Zone - The geographic area located between a Well or Well Field providing Potable Water to a Community water supply and a radial area of 400 feet (122 meters).

Zone 2: Maximum Setback Zone - The geographic area located between a Well or Well Field providing Potable Water to a community water supply and a regular or irregularly shaped area not to exceed 1,000 feet (305 meters) from the Wellhead, but excluding the Minimum Setback Zone.

Zone 3: 5-Year Capture Zone - The geographic area located between a Well or Well Field providing Potable Water to a community water supply and the delineated 5-year zone of capture but excluding zones 1 and 2.

New Potential Primary Source means:

a Potential Primary Source which is not in existence or for which construction has not commenced at its location as of August 18, 1997; or

a Potential Primary Source which expands laterally beyond the currently permitted boundary, or if the primary source is not permitted, the boundary in existence as of August 18, 1997; or

a Potential Primary Source which is part of a Facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new Facility.

Construction shall be deemed commenced when all necessary federal, state and local approvals have been obtained, and work at the Site has been initiated and proceeds in a reasonably continuous manner to completion.

New Potential Route means:

a Potential Route which is not in existence or for which construction has not commenced at its location as of August 18, 1997; or

a Potential Route which expands laterally beyond the currently permitted boundary or, if the Potential Route is not permitted the boundary in existence as of August 18, 1997.

Construction shall be deemed commenced when all necessary federal, state and local approvals have been obtained, and work at the Site has been initiated and proceeds in a reasonably continuous manner to completion.

New Potential Secondary Source means:

a Potential Secondary Source which is not in existence or for which construction has not commenced at its location as of August 18, 1997; or

a Potential Secondary Source which expands, laterally beyond the currently permitted boundary or, if the Secondary Source is not permitted, the boundary in existence as of August 18, 1997, other than an expansion for handling of livestock waste or for treating domestic wastewaters; or

a Potential Secondary Source which is a part of a Facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed cost of a comparable entirely new Facility.

Construction shall be deemed commenced when all necessary federal, state and local approvals have been obtained, and work at the Site has been initiated and proceeds in a reasonably continuous manner to completion.

Operator means any person in control of, or having responsibility for daily operation of a Facility.

Owner means any person who owns a Site, Facility or Unit or part of a Site, Facility or Unit, or who owns the land on which the Site, Facility or Unit is located.

Person means any person, individual, public or private corporation, firm, association, joint venture, trust, partnership, municipality, governmental agency, political subdivision, public officer, Owner, lessee, tenants, or any other entity whatsoever or any combination of such, jointly or severally, including Limited Liability Companies and Limited Partnerships.

Potable Water means water that is satisfactory for drinking, culinary and domestic purposes meeting currently accepted water supply practices and principals.

Potential Primary Source means any Unit at a Facility or Site not currently subject to a removal or remedial action which:

is utilized for the treatment, storage or disposal of any hazardous or special waste not generated at the Site; or

is utilized for the disposal of municipal waste not generated at the Site, other than landscape waste and construction and demolition debris; or

is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the Site or at other Sites owned, controlled or operated by the same person; or

stores or accumulates at any time more than 75,000 pounds (34,020 kilograms) above ground, or more than 7,500 pounds (3,402 kilograms) below ground, of any hazardous substances.

Potential Route means abandoned and improperly plugged Wells of all kinds, drainage Wells, all injection Wells, including closed loop heat pump Wells, and any excavation for the discovery, development or production of stone, sand or gravel.

Potential Secondary Source means any Unit at a Facility or a Site not currently subject to a removal or remedial action, other than a Potential Primary Source which:

is utilized for the landfilling, land treating or surface impounding of waste that is generated on the Site or at other Sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or

stores or accumulates at any time more than 25,000 pounds (11,340 kilograms) but not more than 75,000 pounds (34,020 kilograms) above ground, or more than 2,500 pounds (1,134 kilograms) but not more than 7,500 pounds (3,402 kilograms) below ground, of any hazardous substances; or

stores or accumulates at any time more than 24,000 gallons (94,633 liters) above ground, or more than 500 gallons (1,893 liters) below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or

stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or

stores or accumulates at any one time more than 50,000 pounds (22,680 kilograms) of any de-icing agent; or

is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act. (225 ILCS 225/1 et seq.), as amended.

Recharge Area means the area through which precipitation and surface water can enter an Aquifer.

Regulated Substances means those substances found in Exhibit 1, attached hereto and incorporated herein.

Saturated Zone means the zone in which the voids in the rock or soil are filled with water at a pressure greater than atmospheric pressure.

Setback Zone means a geographic area designated pursuant to the Act and this Chapter, containing a Potable Water Supply Well or a potential source or Potential Route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect Groundwaters.

Site means any location, place, tract of land, or facilities, including but not limited to buildings, and improvements used for purposes subject to regulations or control by the Act or regulations thereunder.

Unauthorized Release means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a regulated substance in a quantity greater than 1 gallon (8 pounds) from a Facility into a containment system, into the air, into Groundwater, surface water, surface soils or subsurface soils. Unauthorized Release does not include: intentional withdrawals of Regulated Substances for the purpose of legitimate sale, use or disposal; and discharges permitted under federal, state or local law.

Underlying Permit includes the Building Permits, Sewer Tap Agreements, Stormwater Retention Permits, Occupancy Permits, Preliminary Plat and Final Plat (required by Title 16 of the City Municipal Code) and any other applicable approval or permit required by the city in relation to the Facility.

Unit means any device, mechanism, equipment or area (exclusive of land utilized only for agricultural production).

Well means any excavation that is drilled, cored, bored, driven, dug, fitted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of Groundwater.

Well Field means an area which contains one or more Wells for obtaining a Potable Water supply.

Well Number means a Well Number owned and operated by the city as depicted on Exhibit 2.

13.18.140 Establishment of Setback Zones

A. Minimum Setback Zones are hereby established as set forth in Exhibit 2, as that area within a 400 feet (122 meters) radius of each existing or permitted community water supply Well within the City or within 400 feet (122 meters) of the City limits of the City.

B. Maximum Setback Zones are hereby established as set forth in Exhibit 2, as that area within regular or irregularly shaped 1,000 feet (305 meters) radius of each existing or permitted community water supply Well within the City, or within 1,000 feet (305 meters) of the City limits of the City.

C. 5-Year Capture Zones are hereby established as set forth in Exhibit 2, which incorporates and adopts the Recharge Areas identified by the Groundwater Protection Needs Assessment dated November, 1992, performed for the City pursuant to Section 17.1 of the Act.

13.18.150 Applicability

A. Persons who own and/or operate one or more facilities in a Groundwater Protection Area (GWPA) shall comply with this Chapter. This obligation shall be joint and several.

B. All facilities within a Groundwater Protection Area must comply with this Chapter prior to issuance of any Underlying Permits.

C. If the Director of Public Works determines that a Facility, otherwise exempt from the permit requirements of this Chapter, has a potential to degrade Groundwater quality, then the Director of Public Works may classify that Facility as a New Potential Primary Source, a Potential Route, or Potential Secondary Source, and require that Facility to comply with this Chapter accordingly. Such determination shall be based upon Site-specific data and shall be eligible for appeal pursuant to Section 13.18.280 of this Chapter.

D. The following are exempt from the permit requirements of this Chapter:

1. The storage and handling of Regulated Substances for resale in their original unopened containers of five (5) gallons (19 liters) or forty (40) pounds (18 kilograms) or less shall be exempt from the permit requirements of this Chapter.

2. De Minimus Usage of Regulated Substances: Facilities that use, store, or handle Regulated Substances in quantities of five (5) gallons (19 liters) or forty (40) pounds (18 kilograms) or less of any one regulated substance, and in aggregate quantities of twenty (20) gallons (76 liters) or one hundred (100) pounds (45 kilograms) or less of all Regulated Substances, shall be exempt from the permit requirement of this Chapter.

3. Single family residences provided that no home business is operated on the premises.

4. Public interest emergency use and storage of Regulated Substances.

5. Regulated substances used by or for the City in wastewater treatment processes.

6. Fueling of equipment not licensed for street use, provided that such fueling activities are conducted in a containment area that is designed and maintained to prevent leakage or other violations of this Chapter.

E. The following are exempt from this Chapter:

1. Fuel tanks and fluid reservoirs attached to a private or commercial motor vehicle and used directly in the operation of that vehicle.

2. Existing heating systems using fuel oil.

3. The activities of construction, repairing or maintaining any Facility or improvement on lands within Zones 1, 2, or 3 provided that all contractors, subcontractors, laborers, material men and their employees when using, handling, storing or producing Regulated Substances in Zones 1, 2, or 3 use those applicable "Best Management Practices" set forth in Exhibit 3, attached hereto and incorporated herein.

4. Cleanups, monitoring and/or studies undertaken under supervision of the Agency or other state regulatory Agency or the United States Environmental Protection Agency.

5. Activities specifically regulated under 34 Ill. Adm. Code 601.615, 616, and 617 (Regulations for existing and new activities within Setback Zones and regulated Recharge Areas); 8 Ill. Adm. Code 255 and 256 (Regulations for secondary containment for agricultural pesticide fertilizer facilities); and 8 Ill. Adm. Code 257

(cooperative Groundwater protection program for agricultural chemical facilities within appropriate Setback Zones).

6. If the Owner of a New Potential Primary Source, New Potential Secondary Source, or New Potential Route is granted an Exception by the Board (other than land filling or land treating) pursuant to the Act, such Owner shall not be subject to this Chapter to the same extent that such Owner is not subject to the Act.

7. If the Owner of a New Potential Primary Source, New Potential Secondary Source, or New Potential Route is issued a Certificate of Minimal Hazard by the Agency pursuant to the Act, such Owner shall not be subject to this Chapter to the same extent that such Owner is not subject to the Act.

F. Any action by the Agency or Board referred to this section shall not be final and binding on the City under this Chapter until the City has received notice of such proposed action and has had reasonable opportunity to present evidence concerning its interest.

13.18.160 Operating Permits and Permit Conditions

A. General Conditions

1. No person, persons, corporation, or other legal entities shall install or operate a Facility in a GWPA without first obtaining a Groundwater Protection Operating Permit from the Director of Public Works.

2. The focus of review for all permits shall be on the substances that will be stored, handled, treated, used or produced and the potential for these substances to degrade Groundwater quality.

3. All permits required pursuant to this Chapter must be issued prior to or concurrent with the issuance of permits for construction activities or Underlying Permits.

4. The Director of Public Works shall not issue an Operating Permit for a Facility unless adequate plans, specifications, test data, and/or other appropriate information has been submitted by the Owner and/or Operator showing that the proposed design and construction of the Facility meets the intent and provisions of this Chapter and will not impact the short term, long term or cumulative quantity or quality of Groundwater.

5. The application for Operating Permits pursuant to this Chapter shall be made on a form provided by the City and shall be accompanied by a fee of two hundred dollars ($200). The annual renewal fee shall be twenty-five dollars ($25) and shall accompany the annual certification statement.

6. Any person who owns or operates more than one Facility in a single zone of the (GWPA) shall have the option of obtaining one permit for all operations if the operations at each Facility are similar and the permit requirements under this Chapter are applicable to each Facility individually.

7. An Operating Permit, issued by the Director of Public Works shall be effective for 1 year. The Director of Public Works shall not issue a permit to operate a Facility until the Director of Public Works determined that the Facility complies with the provisions of this Chapter.

8. The Facility Owner shall apply to the City for permit renewal at least 60 days prior to the expiration of the permit. If an inspection of the Facility reveals noncompliance, then the Director of Public Works must verify by a follow-up inspection that all required corrections have been implemented before renewing the permit.

9. Operating Permits may be transferred to a new Facility Owner/Operator if the new Facility Owner/Operator does not change any conditions of the permit, the

transfer is registered with the City within 30 days of the change in ownership, and any necessary modifications are made to the information in the initial permit application due to the change in ownership.

10. Within 30 days of receiving an inspection from the City, the Operating Permit holder shall file with the City a plan and time schedule to implement any required modifications to the Facility or to the monitoring plan needed to achieve compliance with the intent of this Chapter or the permit conditions. This plan and time schedule shall also implement all of the recommendations of the Director of Public Works.

B. Permit Applications

1. The Operating Permit application shall include at a minimum:

a. Name, address, and phone number of Owner/Operator.

b. Property address, legal description and tax identification number of the Facility.

c. The names and volumes of all Regulated Substances which are stored, handled, treated, used, or produced at the Facility being permitted in quantities greater than the de minimis amounts specified in Section 13.18.150 of this Chapter. Copies of all leases pertaining to the Facility.

d. A detailed description of the activities conducted at the Facility that involve the storage, handling, treatment, use or production of Regulated Substances in quantities greater than the de minimis amounts specified in Section 13.18.150 of this Chapter.

e. A description of the Containment Devices used to comply with the requirements of this Chapter.

f. A Regulated Substances Management Plan for the Facility.

g. A description of the procedures for inspection and maintenance of Containment Devices.

h. A description of the method for disposal of Regulated Substances.

i. 10 copies of a Site plan showing the location of the Facility and its property boundaries and the locations where Regulated Substances in containers larger than five (5) gallons (19 liters) or forty (40) pounds (18 kilograms) in size are stored, handled, treated, used, produced, the location of each Containment Device.

C. Conditions For GWPA Permits Issued to New Facilities

1. Containment Devices

a. The Owner/Operator of a Facility must provide Containment Devices adequate in size to contain on-site any Unauthorized Release of Regulated Substances from any area where these substances are either stored, handled, treated, used, or produced. Containment Devices shall prevent Regulated Substances from penetrating into the ground. Design requirements for Containment Devices include:

i. The Containment Device shall be large enough to contain 110% of the volume of the container in cases where a single container is used to store, handle, treat, use, or produce a regulated substance. In cases where multiple containers are used, the Containment Device shall be

large enough to contain 150% of the volume of the largest container or 10% of the aggregate volume of all containers, whichever is greater.

ii. All Containment Devices shall be constructed of materials of sufficient thickness, density, and composition to prevent structural weakening of the Containment Device as a result of contact with any regulated substance. If coatings are used to provide chemical resistance for Containment Devices, they shall also be resistant to the expected abrasion and impact conditions. Containment Devices shall be capable of containing any Unauthorized Release for at least the maximum anticipated period sufficient to allow detection and removal of the release.

iii. If the Containment Device is open to rainfall, then it shall be able to accommodate the volume of precipitation that could enter the Containment Device during a 24-hour, 100-year storm, in addition to the volume of the regulated substance storage required in Subsection 1(a) above.

iv. Containment Devices shall be constructed so that a collection system can be installed to accumulate, temporarily store, permit detection of the presence of, and permit removal of any storm runoff or regulated substance.

v. Containment Devices shall include monitoring procedures or technology capable of detecting the presence of a regulated substance within 24 hours following a release.

D. Regulated Substances Management Plan

1. Regulated Substances Management Plan indicating procedures to be followed to prevent, control, collect, and dispose of any Unauthorized Release of a regulated substance shall be required as a condition of each Operating Permit. If a spill prevention control plan or similar contingency plan has been prepared in accordance with Illinois or United States Environmental Protection Agency requirements, a Regulated Substance Management Plan is not required as long as all of the Regulated Substances are included in the spill prevention control plan.

2. The Regulated Substances Management Plan shall include:

a. Provisions to address the Regulated Substances monitoring requirements.

b. Provisions to train employees in the prevention, identification, reporting, control, disposal, and documentation of any Unauthorized Release of a regulated substance.

c. The Owners or Operators of all new facilities shall implement Regulated Substances monitoring as part of the Regulated Substances Management Plan required by Subsection 13.18.160 4.b.iv of this Chapter. Visual monitoring must be implemented unless it is determined by the Fire Department to be infeasible.

d. All regulated substance monitoring activities shall include the following:

i. A written routine monitoring procedure which includes, when applicable: the frequency of performing the monitoring method, the methods and equipment to be used for performing the monitoring, the location(s) from which the monitoring will be performed, the name(s) or title(s) of the person(s) responsible for performing the monitoring and/or maintaining the equipment, and the reporting format.

ii. Written records of all monitoring performed shall be maintained on-site by the Operator for a period of 3 years from the date the monitoring was performed. The City may require the submittal of all the monitoring records or a summary at a frequency that the City may establish. The written records of all monitoring performed in the past 3 years shall be shown to the City upon demand during any Site inspection.

Monitoring records shall include but not be limited to:

iii. Name of person performing the monitoring or sampling;

1) The date and time of all monitoring or sampling;
2) Monitoring equipment calibration and maintenance records;
3) The results of any visual observations;
4) The logs of all readings of gauges or other monitoring equipment, or other test results; and

The results of inventory readings and reconciliations.

e. Procedures for the in-house inspection and maintenance of Containment Devices and areas where Regulated Substances are stored, handled, treated, used, and produced shall be identified in the Operating permit for each Facility. Such procedures shall be in writing, and a log shall be kept of all inspection and maintenance activities. Such logs shall be submitted to the Director of Public Works with the renewal applications and shall be available for inspection at other times upon 48 hours notice. Inspection and maintenance logs shall be maintained on-site by the Owner or Operator for a period of at least 3 years from the date the monitoring was performed.

E. Reporting

1. The permittee shall report to the Director of Public Works 15 days after any changes in a Facility including:
   a. The storage, handling, treatment, use, or processing of new Regulated Substances;
   b. Changes in monitoring procedures; or
   c. The replacement or repair of any part of a Facility that is related to the regulated substance(s).

13.18.170 Groundwater Protection Overlay Zones

A. The location of Groundwater Protection Areas in the City are defined in Exhibit 2 to this Chapter. Groundwater Protection Area maps shall be placed on file with Planning, Building & Zoning, Public Works Departments and the St. Charles Fire Department.

B. In determining the location of facilities within the zones defined by Exhibit 2, the following shall apply.

1. Facilities located wholly within a GWPA zone shall be governed by the restriction applicable to that zone.
2. Facilities having parts lying within more than one zone of a GWPA shall be governed by the restrictions applicable to the more restrictive zone.
3. Facilities having parts lying both in and out of a GWPA shall be governed by the restrictions applicable to the more restrictive zone.

13.18.180 Regulations Which Apply Within the Minimum Setback Zone (Zone 1) of the GWPA

A. Prohibited Uses And Activities

1. Except as provided in Section 13.18.150, no person shall place a New Potential Primary Source, New Potential Secondary Source, or New Potential Route within the minimum Setback Zone(s) of any existing or permitted community water supply Well in the City or within 400 feet (122 meters) of the City limits of the City.
2. Except as provided in Section 13.18.150, no person shall alter or change an existing Potential Primary Source, Potential Secondary Source, or Potential Route where the alteration or change would result in a potential source or route that would be prohibited under this Chapter if it were a new potential source or route.
3. No person shall conduct any activity or engage in a use of property which shall constitute an interference with the health and safety or welfare of a community water supply Well. Such activities are declared to be a public nuisance and are prohibited by this Chapter.

B. Review And Approval Of Proposed Activities

1. All proposals for new facilities which use, store, handle, treat or produce a regulated substance within the minimum Setback Zone (Zone 1) must be reviewed by the Director of Public Works for compliance with this Chapter including obtaining a Groundwater Protection Permit pursuant to this Chapter, prior to issuance of any Underlying Permit.
2. No Groundwater operating permit shall be issued unless a finding is made by the Director of Public Works that the proposal will to impact the long term, short term or cumulative quality of the Aquifer. The findings shall be based on the present or past land use activities conducted at the Facility; Regulated Substances stored, handled, treated, used or produced; and the potential for the activities or Regulated Substances to degrade Groundwater quality.
3. New sources of sanitary sewerage (residential and non-residential) shall, as a condition of the building permit, be required to connect to an IEPA permitted central sanitary sewer system prior to occupancy.

13.18.190 Regulations Which Apply Within the Maximum Setback Zone (Zone 2) of the GWPA

A. Prohibited Uses And Activities

1. Except as provided in Section 13.18.150, no person shall place a New Potential Primary Source within the maximum Setback Zone(s) of any existing or permitted community water supply Well in the City or within 1000 feet (305 meters) of the City limits of the City.
2. Except as provided in Section 13.18.150, no person shall alter or change an existing Potential Primary Source where the alteration or change would result in a potential source or route that would be prohibited under this Chapter if it were a new potential source or route.
3. No person shall conduct any activity or engage in a use of property which shall constitute an interference with the health and safety or welfare of a community water supply Well or other water Well by the accidental, negligent, or intentional introduction of contaminants. Such activities are declared to be a public nuisance and are prohibited by this Chapter.

B. Review And Approval Of Proposed Activities

1. All proposals for new facilities which use, store, handle, treat or produce a regulated substance within the maximum Setback Zone (Zone 2) must be reviewed by the Director of Public Works for compliance with this Chapter including obtaining a Groundwater Protection Permit pursuant to this Chapter, prior to issuance of any Underlying Permit.

2. No Groundwater operating permit shall be issued unless a finding is made by the Director of Public Works that the proposal will not impact the long term, short term or cumulative quality of the Aquifer. The finding shall be based on the present or past land use activities conducted at the Facility; Regulated Substances stored, handled, treated, used or produced; and the potential for the activities or Regulated Substances to degrade Groundwater quality.
3. New sources of sanitary sewerage (residential and non-residential) shall, as a condition of the building permit, be required to connect to an IEPA permitted central sanitary sewer system prior to occupancy.

13.18.200 Regulations Which Apply Within the 5-Year Capture Zone (Zone 3) of the GWPA

A. Review And Approval Of Proposed Activities

1. All proposals for new facilities which use, store, handle, treat or produce a regulated substance within the maximum Setback Zone (Zone 3) must be reviewed by the Director of Public Works for compliance with this Chapter including obtaining a Groundwater Protection Permit pursuant to this Chapter, prior to issuance of any Underlying Permit.
2. No Groundwater operating permit shall be issued unless a finding is made by the Director of Public Works that the proposal will not impact the long term, short term or cumulative quality of the Aquifer. The finding shall be based on the present or past land use activities conducted at the Facility; Regulated Substances stored, handled, treated, used or produced; and the potential for the activities or Regulated Substances to degrade Groundwater quality.
3. New sources of sanitary sewerage (residential and non-residential) shall, as a condition of the building permit, be required to connect to an IEPA permitted central sanitary sewer system prior to occupancy.

13.18.210 Unauthorized Releases

All Unauthorized Releases shall be reported to the Director of Public Works according to the provisions of this section. All Unauthorized Releases shall be recorded in the Owner's inspection and maintenance log. An authorized release is an "unauthorized release requiring recording" if the release is completely captured by the Containment Device. If the Containment Device fails to contain the entire release, the release is an "unauthorized release requiring reporting."

A. Unauthorized Releases Requiring Recording

1. Unauthorized releases requiring recording shall be reported to the Director of Public Works within 24 hours after the release has been, or should have been detected.
2. The incident report shall be accompanied by a written record including the following information:
   a. The type, quantities, and concentration of Regulated Substances released.
   b. Method of cleanup.
   c. Method and location of disposal of the released Regulated Substances including whether a hazardous waste manifest(s) is used.
   d. Method of future release prevention or repair. If this involves a change in operation, monitoring, or management, the Owner must apply for a new Operating Permit.
   e. Facility Operator's name and telephone number.
3. The Director of Public Works shall review the information submitted pursuant to the report of an Unauthorized Release requiring recording, shall review the Operating Permit, and may inspect the Facility. The Director of Public Works shall either find that the containment standards of this Chapter can continue to be achieved or shall

recommend the revocation of the permit until appropriate modifications are made to allow compliance with the standards.

B. Unauthorized Releases Requiring Reporting

1. Unauthorized releases requiring reporting shall be verbally reported to the Director of Public Works immediately.
2. A written report shall be submitted within 48 hours containing the following information that is known at the time of filing the report:
   a. List of type, quantity, and concentration of Regulated Substances released.
   b. The results of all investigations completed at that time to determine the extent of soil or Groundwater or surface water contamination because of the release.
   c. Method of cleanup implemented to date, proposed cleanup actions and approximate cost of actions taken to date.
   d. Method and location of disposal of the released regulated substance and any contaminated soils, Groundwater, or surface water.
   e. Proposed method of repair or replacement of the Containment Device.
   f. Facility Owner's name and telephone number.
   g. Facility Operator's name and telephone number.
3. Until cleanup is complete, the Owner shall submit reports containing the information required by Section 13.18.160(2). to the Director of Public Works every month or at a more frequent interval specified by the Director of Public Works.
4. The Director of Public Works shall either find that the containment objectives of this Chapter can continue to be achieved or shall recommend the revocation of the permit until appropriate modifications are made to allow compliance with the standards.
5. Upon confirmation of an Unauthorized Release to Groundwater, the Owner shall be responsible for immediately accomplishing the following:
   a. Locate and determine the source of the Unauthorized Release of the regulated substance(s).
   b. Stop and prevent any further Unauthorized Release(s).
   c. Comply with the requirements for an Unauthorized Release(s) reporting.
6. No new regulated substance(s) may be introduced at the Site of the regulated substance(s) that caused the violation.
7. If an Unauthorized Release creates or is expected to create an emergency situation with respect to the drinking water supply of the City or a public water supply Well within 1000 feet (305 meters) of the City, and if the Facility Owner fails to address the Unauthorized Release within 24 hours of the occurance, the City or its authorized agents shall have the authority to implement removal or remedial actions. Such actions may include, but not be limited to, the prevention of further Groundwater contamination: installation of Groundwater monitoring Wells; collection and laboratory testing of water, soil, and waste samples; and cleanup and disposal of Regulated Substances. The Facility Owner and Operator jointly and severally shall be responsible for any costs incurred by the City or its authorized agents in the conduct of such remedial actions, including but not limited to all consultant, engineering and attorney fees.
8. Reporting a release to the Director of Public Works does not exempt or preempt any other reporting requirements under federal, state, or local laws.

13.18.220 Closure Permits and Permit Conditions

A. No person shall close or cause to be closed a Facility regulated pursuant to his Chapter without first obtaining a Closure Permit from the Director of Public Works. Director of

Public Works shall not issue a permit to temporarily or permanently close a Facility unless adequate plans and specifications and other appropriate information have been submitted by the applicant showing that the proposed closure meets the intent and provisions of this Chapter.

B. Closure Permits shall be required for all facilities that cease to store, handle, treat, use, or produce Regulated Substances for a period of more than 365 days or when the Owner has no intent within the next year to store, handle, treat, use, or produce Regulated Substances. During the period of time between cessation of regulated substance storage, handling, treatment, use, or production, and actual completion of Facility closure, the applicable containment and monitoring requirements of this Chapter shall continue to apply.

C. Prior to closure, the Facility Owner shall submit to the Director of Public Works a proposal describing how the Owner intends to comply with closure requirements. Owners proposing to close a Facility shall comply with the following requirements:

1. Regulated substances shall be removed from the Facility, including residual liquids, solids, or sludges to levels specified by the Agency.
2. When a Containment Device is to be disposed of, the Owner must document to the Director of Public Works that disposal has been completed in compliance with the Act.
3. An Owner of a Containment Device or any part of a Containment Device that is destined for reuse as scrap material shall identify this reuse to the City.

D. The Owner of a Facility being closed shall demonstrate to the satisfaction of the Director of Public Works that no detectable Unauthorized Release has occurred or that all Unauthorized Releases have been cleaned up. This demonstration can be based on the ongoing leak detection monitoring or soils sampling performed during or immediately after closure activities.

E. If an Unauthorized Release is determined to have occurred, the Facility Owner shall comply with Section 13.18.210 of this Chapter.

F. Facility closure will be accepted as complete by the Director of Public Works upon implementation of the Closure Permit conditions and compliance with all other provisions of this Chapter.

G. No person shall temporarily or permanently abandon a Facility in an GWPA without complying with the requirements of this Chapter.

H. The application for a Closure Permit pursuant to this Chapter shall be made on a form provided by the City and shall be accompanied by a fee of two hundred dollars ($200).

I. Any person who owns or operates more than one Facility in a single zone of the (GWPA) shall have the option of obtaining one permit for all simultaneous closures if the operations at each Facility are similar and the permit requirements under this Chapter are applicable to each Facility individually.

13.18.230 Civil Penalties/Penalties and Costs

A. Any person who is found to have violated an order of the City Council or who has failed to comply with any provisions of this Chapter, any rules and regulations, permits or orders issued hereunder, shall be fined in an amount of not more than one thousand dollars ($1000.00). For the purpose of this Section, each day in which any such violation shall occur or continue, shall be deemed a separate violation. In addition to the penalties provided in this Chapter, the City may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit against the person found to have violated this Chapter or the rules, regulations, permits or orders issued hereunder.

B. In addition to any fines and penalties set forth above, the Owner or Operator shall reimburse the City, for all costs incurred as a result of responding to, containing, cleaning up, or

monitoring the cleaning up and disposal of any spilled or leaked regulated substance including but not limited to consultant, engineering and legal fees.

13.18.240 Criminal Prosecution

A. A person who willfully or negligently violates any provision of this Chapter, any rules or regulations, permits or orders issued hereunder, shall upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars ($1000.00) per violation, or imprisonment for not more than six (6) months, or both. Each day on which a violation occurs or continues shall be deemed a separate violation.

B. A person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other documentation filed, or required to be maintained pursuant to this Chapter shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1000.00) per violation, or imprisonment for not more than six (6) months, or both.

C. In the event of a second conviction, a person shall be punished by a fine of not more than one thousand dollars ($1000.00) per violation, or imprisonment of not more than six (6) months, or both. Each day on which a violation occurs or continues shall be deemed a separate violation.

13.18.250 Enforcement

A. The City shall be the administering Agency and shall have the power and authority to administer and enforce the provisions of this Chapter. The City shall have the right to conduct inspections of facilities at reasonable times to determine compliance with this Chapter.

B. The Director of Public Works may revoke any permit issued pursuant to this Chapter after notice to the permittee and after affording the permittee an opportunity to meet either in person or by telephone if it finds that the permit holder:

1. Has failed or refused to comply with any provision of this Chapter;
2. Has submitted false or inaccurate information in a permit application;
3. Has refused lawful inspection.
4. Has an Unauthorized Release and the Director of Public Works finds that the containment standards of this Chapter cannot continue to be achieved.

13.18.260 Notice of Violation

A. Whenever it is determined that there is a violation of this Chapter, the notice of violation issued shall:

1. Be in writing and delivered to the Owner or Operator by regular mail; and
2. Be dated and signed by the authorized City agent making the inspection; and
3. Specify the violation or violations; and
4. Specify the length of time (not less than 72 hours) to correct the violation after receiving the notice of violation.

13.18.270 Appeals

A. Any decision by the Director of Public Works under this Chapter may be appealed to the City Council.

B. The City Council shall also hear petitions to grant an exemption to a Facility from the requirements of Section 13.18.160 of this Chapter as follows:

1. The applicant may demonstrate that the 5-year capture zone area(s) map incorrectly identify the Facility as being within the Groundwater Protection Overlay Zone(s). The burden of proof shall rest upon the applicant to demonstrate that the Facility location is not within a delineated 5-year capture zone area. The applicant shall be required to present detailed hydrogeologic and hydrologic information to the City Council that the Facility location is, in fact, not within a 5-year capture zone area.
2. The applicant may be required to present detailed technical information that a material(s) on the Regulated Substances List does not endanger the GWPA in the event of an Unauthorized Release. To continue the permit appeal process, the applicant shall provide funds to the City to pay for the technical review by the City's choice of consultant(s) of said hydrogeologic and hydrologic information and/or regulated substance information and shall base its recommendation, in part, on the report by said consultant(s).
3. Appeals to the City Council take place by filing an appeal in writing with the City Clerk of the City within 14 days after receipt of a decision in writing from the Director of Public Works. Petitions to the City Council seeking an exemption for a Facility should also be filed with the City Clerk of the City. A hearing with the City Council will be held within 90 days of submission of the appear or petition. A decision by the Groundwater Appeals Committee will be made in writing within 30 days of the hearing.

13.18.280 Severability

If any section, subdivision, paragraph, sentence, clause or phrase in this Chapter, or any part thereof, or application thereof to any person, firm, corporation, public agency or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Chapter or any part thereof. It is hereby declared to be the legislative intent of the City Council that this Chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not then been included.

13.18.290 Inconsistency Ordinances Repealed

All other Chapters or parts of Chapters in conflict herewith are hereby repealed.

13.18.300 Saving Clause

Nothing in this Chapter hereby adopted shall be construed to affect any suit or proceeding pending in any Court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any Act or ordinance hereby repealed as cited in Section 13.18.290 of this Chapter.

EXHIBIT 1
REGULATED SUBSTANCES LIST

Acid and basic cleaning solutions
Antifreeze and Coolants
Arsenic and arsenic compounds
Bleaches, Peroxides
Brake and transmission fluids
Brine solution
Casting & Foundry chemicals
Caulking agents and sealants
Cleaning solvents
Corrosion and rust prevention solutions
Cutting fluids
Degreasing solvents
Disinfectants
Electroplating solutions
Explosives
Fire extinguishing chemicals
Food processing wastes
Formaldehyde
Fuels and additives
Gasolines
Glues, adhesives and resins
Greases
Hydraulic fluid
Indicators
Industrial and commercial janitorial supplies
Industrial sludges and stillbottoms
Inks, printing and photocopying chemicals
Laboratory chemicals
Liquid storage batteries
Medical, pharmaceutical, dental, veterinary and hospital solutions
Mercury and mercury compounds
Metals finishing solutions
Oils
Paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds
Painting solvents
PCB's
Plastic resins, plasticizers and catalysts
Photo development chemicals
Poisons
Polishes
Pool chemicals in concentrated form
Processed dust and particulates
Radioactive sources
Reagents and standards
Refrigerants
Roofing chemicals and sealers
Sanitizers, disinfectants, bactericides and algaecides
Soaps, detergents and surfactants
Solders and fluxes
Stripping compounds
Tanning industry chemicals
Transformer and capacitor oils/fluids
Water and wastewater treatment chemicals

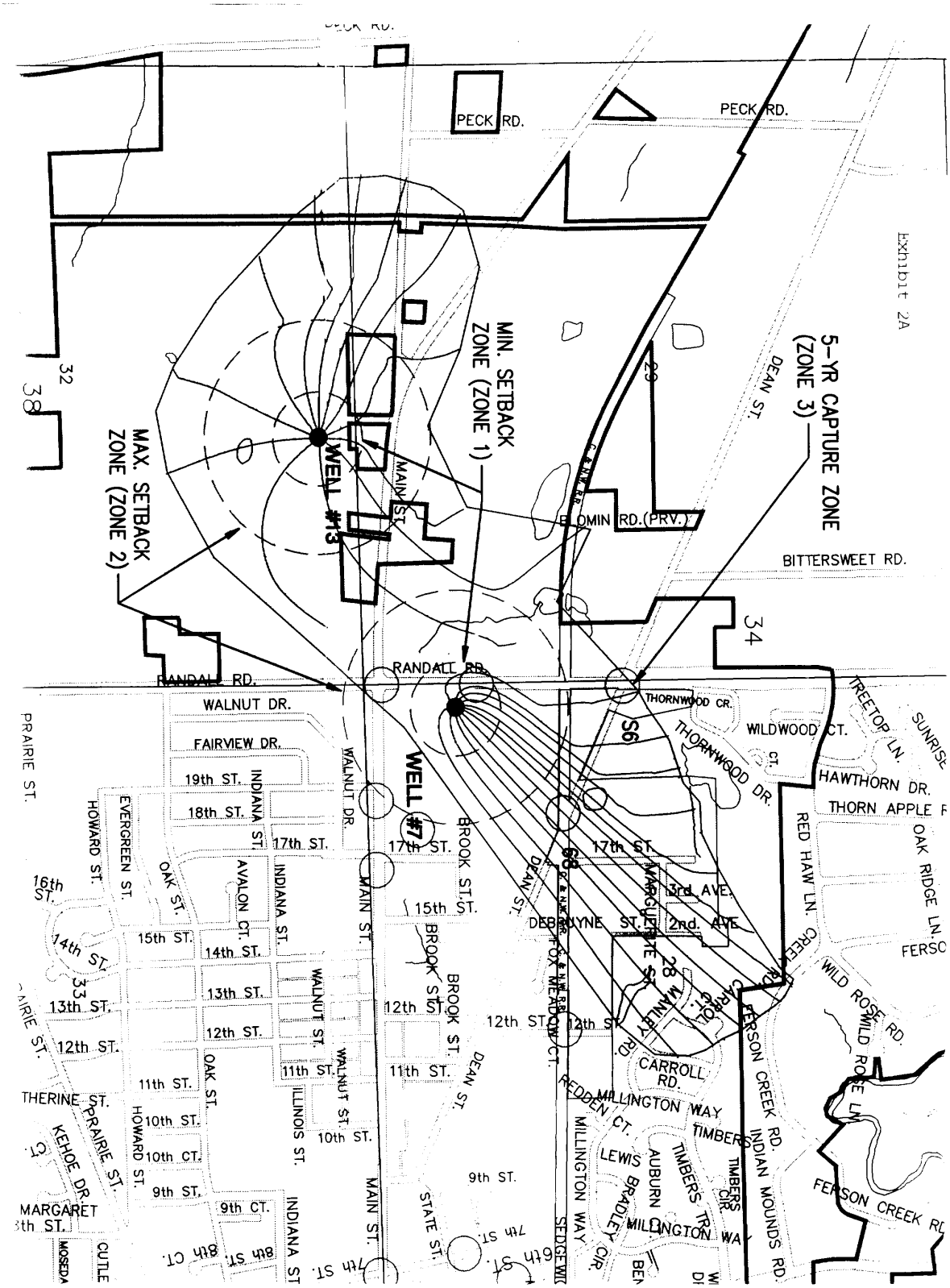
Exhibit 2A
5-YR CAPTURE ZONE (ZONE 3)
MIN. SETBACK ZONE (ZONE 1)
MAX. SETBACK ZONE (ZONE 2)
WELL #13
WELL #7
PECK RD.
BITTERSWEET RD.
BLOMIN RD.(PRV.)
RANDALL RD.
WALNUT DR.
FAIRVIEW DR.
MAIN ST.
DEAN ST.
BROOK ST.
DEBRUYNE ST.
MARQUETTE ST.
3rd AVE.
2nd. AVE
CARROLL RD.
MILLINGTON WAY
REDDEN CT.
FERSON CREEK RD.
INDIAN MOUNDS RD.
WILD ROSE RD.
RED HAW LN.
HAWTHORN DR.
THORN APPLE
OAK RIDGE LN.
WILDWOOD CT.
THORNWOOD DR.
THORNWOOD CR.
TREETOP LN.
SUNRISE
PRAIRIE ST.
HOWARD ST.
EVERGREEN ST.
OAK ST.
AVALON CT.
INDIANA ST.
ILLINOIS ST.
STATE ST.
SEDGEWICK
MILLINGTON WAY
LEWIS
BRADLEY CIR.
AUBURN
TIMBERS
TIMBERS CIR.
MARGARET
KEHOE DR.
CUTLE
16th ST.
15th ST.
14th ST.
13th ST.
12th ST.
11th ST.
10th ST.
10th CT.
9th ST.
9th CT.
8th ST.
8th CT.
7th ST.
6th ST.
17th ST.
19th ST.
18th ST.
32
38
29
34
33
28
26
S6
S8

(Ord. 1997-M-101 § 1.)

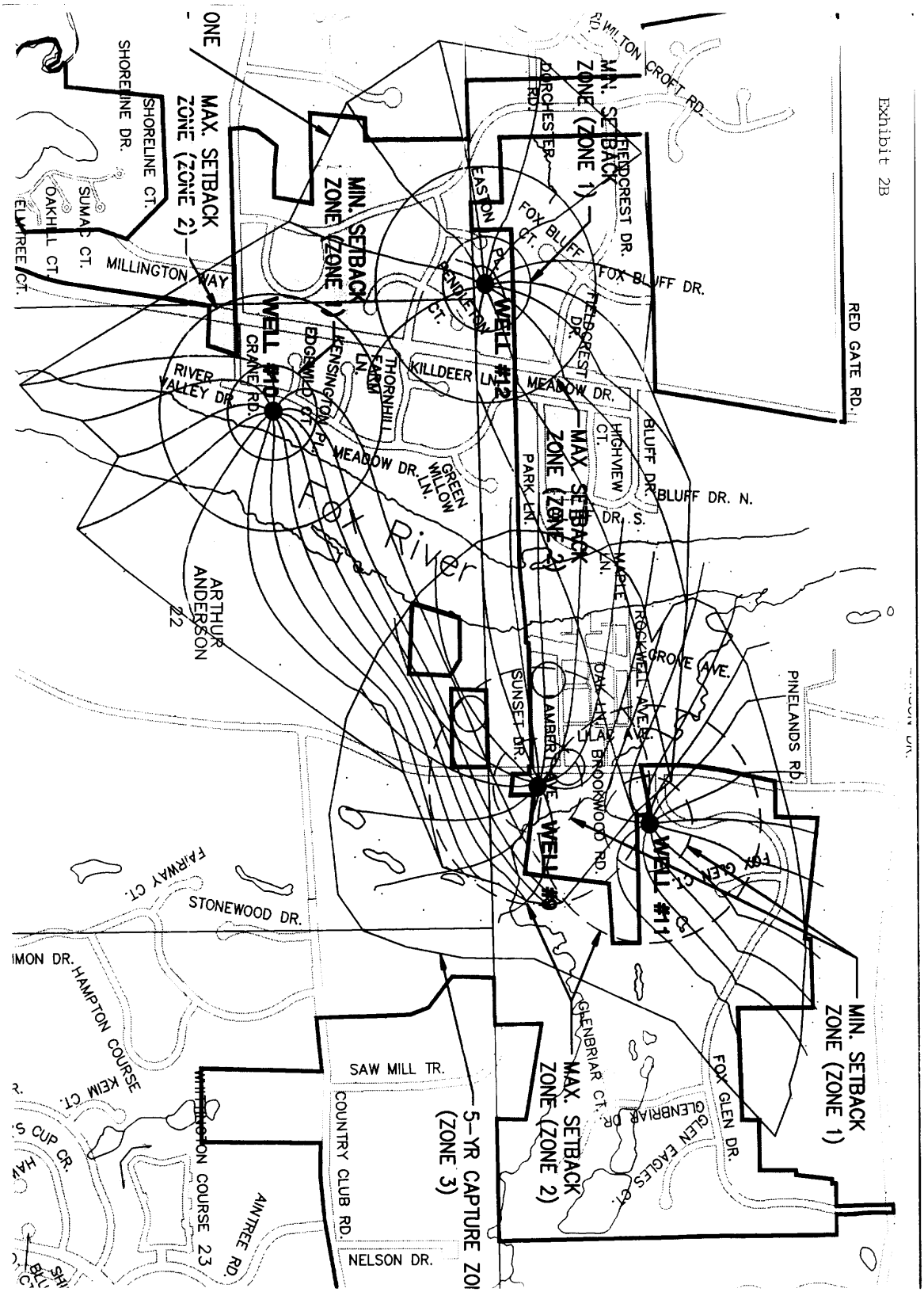
Exhibit 2B
RED GATE RD.
WILTON CROFT RD.
MIN. SETBACK ZONE (ZONE 1)
FIELDCREST DR.
FOX BLUFF DR.
FOX BLUFF CT.
DORCHESTER RD.
EASTON PL.
BONNETON CT.
WELL #12
FIELDCREST DR.
KILLDEER LN.
MEADOW DR.
HIGHVIEW CT.
BLUFF DR.
BLUFF DR. N.
BLUFF DR. S.
MAX. SETBACK ZONE (ZONE 2)
PARK LN.
WHITE LN.
ROCKWELL AVE.
GROVE AVE.
PINELANDS RD.
OAK LA
LILAC AVE.
BROOKWOOD RD.
AMBER AVE.
SUNSET DR.
WELL #9
WELL #11
FOX GLEN CT.
FOX GLEN DR.
GLENBRIAR CT.
GLENBRIAR DR.
GLEN EAGLES CT.
MIN. SETBACK ZONE (ZONE 1)
MAX. SETBACK ZONE (ZONE 2)
5-YR CAPTURE ZONE (ZONE 3)
SAW MILL TR.
COUNTRY CLUB RD.
NELSON DR.
WILMINGTON COURSE 23
AINTREE RD.
HAMPTON COURSE
KEIM CT.
STONEWOOD DR.
FAIRWAY CT.
ARTHUR ANDERSON 22
River
MIN. SETBACK ZONE (ZONE 1)
WELL #10
CRANE RD.
RIVER VALLEY DR.
EDGEWILD CT.
KENSINGTON PL.
THORNHILL LN.
FARM LN.
MEADOW DR.
GREEN WILLOW LN.
MAX. SETBACK ZONE (ZONE 2)
MILLINGTON WAY
SHORELINE CT.
SHORELINE DR.
SUMAC CT.
OAKHILL CT.
ELMTREE CT.

(Ord. 1997-M-101 § 1.)

EXHIBIT 3

"BEST MANAGEMENT PRACTICES" FOR THE CONSTRUCTION INDUSTRY

A) The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for the handling of any Regulated Substances. For instance, handling Regulated Substances in the proximity of a Groundwater Protection Overlay Zone or water bodies may be improper.

B) If any Regulated Substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment. Any storage of 55 gallons (208 liters) or 440 pounds (200 kilograms), or more, containing Regulated Substances shall have constructed below it an impervious containment system constructed of materials of sufficient thickness, density and composition that will prevent the discharge to the land, groundwaters, or surface water, of any pollutant which may emanate from said storage container or containers. Each containment system shall be able to contain 150% of the contents of all storage containers above the containment system.

C) Each contractor shall familiarize him/herself with the manufacturer's safety data sheet supplied with each material containing a Regulated Substance and shall be familiar with procedures required to contain and clean up any releases of the Regulated Substance. Any tools or equipment necessary to accomplish same shall be available in case of a release.

D) Upon completion of construction, all unused and waste Regulated Substances and containment systems shall be removed from the construction site by the responsible contractor, and shall be disposed of in a proper manner as prescribed by law."

Chapter 13.20

CROSS-CONNECTION CONTROL

Sections:

13.20.010	Cross-Connection Control - general policy.
13.20.020	Definitions.
13.20.030	Cross-Connection prohibited.
13.20.040	Where protection is required.
13.20.050	Type of protection required.
13.20.060	Backflow prevention device.
13.20.070	Water supply connection.
13.20.080	Surveys/investigations - hazards.
13.20.090	Inspection right.
13.20.100	Violation - service discontinuance.
13.20.110	Customer cost responsibility.
13.20.120	Survey and investigations non-residential premises.
13.20.130	Inspection and maintenance non-residential premises.
13.20.140	Testing and records.
13.20.150	Booster pumps.
13.20.155	Heat exchange cross-connections.
13.20.160	Violations.
13.20.170	Corrective actions.
Appendix A	Approved standards for plumbing appliances/appurtenances/devices.

13.20.010 Cross-connection control - General policy.

A. Purpose. The purposes of this chapter are as follows:

1. To protect the public water supply system from contamination or pollution by isolating within 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 customer'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 customer's potable water systems.

B. Application. This chapter shall apply to all premises which may be served by the public potable water supply system of the city.

C. Policy. The customer 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 of Public Works or his authorized designee, an approved backflow prevention device is necessary for the safety of the public water supply system, the Director of Public Works shall give notice to the customer to install such approved backflow prevention device at each service connection to the premises. The customer, after written notice and within the time indicated on the notice, shall install such approved device or devices at his own expense. Failure, or refusal on the part of the customer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The customer shall retain records of installation,

maintenance, testing and repair as required in Section 13.20.100 (D) below for a period of at least five years after such record has been prepared or after the date the entry was made.

(Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.020 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

"Agency" means Illinois Environmental Protection Agency.

"Air Gap" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood-level rim of the receptacle.

“Approved backflow prevention device” means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for approved backflow prevention devices must meet the standards of the Illinois Plumbing Code, 77 Ill. Adm. Code, Part 8980, Appendix A, Table A. “Approved Standards for Plumbing Appliances/Appurtenances/Devices,” Ill. Adm. Code Part 653, Subpart H, and the requirements herein.

"Approved cross-connection control devices or methods" means backflow prevention devices or methods of installation approved by the city council of the city. Such approved devices or methods shall include those as described in the Illinois Plumbing Code, 77 Ill. Adm. Code 890 and consistent with 35 Ill. Adm. Code Part 653, Subpart H.

"Auxiliary Water Systems" means a source of water outside of 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 city council.

"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. Back siphonage is one type of backflow.

“City” means, the city of St. Charles, Kane and DuPage Counties, Illinois.

"Consumer" or "Customer" means the person in whose name the water service is registered with the city and shall include the occupant, owner of record, contract purchaser, lessee and anyone else in control of the premises.

"Consumer's or Customer's water system" means any water system serving the premise, commencing at the outlet side of the service pipe shutoff valve location as stated in Section 13.16.060 hereof and shall include the fitting for such service pipe.

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

“Cross Connection" means any connection through which a supply of potable water could be contaminated or polluted. This includes any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety or steam, gases or chemicals whereby there may be a flow from one system to the other.

“Cross Connection Control Device” means a safety device installed in a potable water line to prevent potable water and fluids of any kind from being mixed. Cross-connection control devices include, but are not limited to: atmospheric vacuum breaker, double check valve backflow preventer, double detector check valve backflow preventer, dual check valve backflow preventer, and reduced pressure principle backflow preventer.

"Cross Connection Control Device Inspector” (“CCCDI”) means a person who is a licensed plumber in the state of Illinois and who has been certified by the Agency in accordance with 35 Ill. Adm. Code 653.802 to inspect, test, maintain and repair cross-connection control devices.

"Director of Public Works" means the Director of Public Works of the city, or his authorized deputy, agent or representative.

"Double Check Valve Backflow Preventer Assembly (DVC)" means a double check valve backflow preventer assembly device covered by ASSE Standard #1015-1988, for intermittent or continuous use, low hazard conditions and consists of valves located at each end of the device. It is also supplied with test cocks.

"Double Check Backflow Preventer with Intermediate Atmospheric Vent Assembly" means a double check backflow preventer with an intermediate atmospheric vent assembly covered by ASSE Standard #1012-1978 and which is capable of preventing back siphonage and backflow in water lines under continuous or intermittent pressure conditions. This device has two (2) independent internal force-loaded check valves separated by an intermediate chamber with a means for automatically venting to the atmosphere. It is approved for low hazard use.

"Double Detector Check Valve Backflow Preventer Assembly (DDC)" means a double detector check valve assembly device covered by ASSE Standard #1048-1990, constructed of two (2) independent check valves internally force-loaded with two (2) tightly closing valves located at each end of the device and four (4) test cocks for testing the check valves. In addition, the device has a by-pass line with a water meter and two (2) independent check valves located within that line. The device is for low hazard conditions.

"Dual Check Valve Backflow Preventer Assembly (DuC)" means a dual check valve backflow preventer assembly device covered by ASSE Standard #1024-1990, constructed to operate under intermittent or continuous pressure conditions, consisting of two (2) independent internal force-loaded valves and is for low hazard conditions. This device must be located between two (2) tightly closing valves. The check valves are removable for testing.

"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 and well-being of customers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

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

"Local Authority" means mayor of the city.

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

"Plumbing" means the actual installation, 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 or buildings where a person or persons live, work or assemble. 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 or buildings where a person or persons 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.

"Potable water" means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

"Potential Cross-Connection" means a fixture or appurtenance or other connection which would extend the customer's water system through which the supply of potable water could be contaminated or polluted.

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

- polluted or contaminated waters;
- process waters;
- used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- cooling water;
- questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- chemicals in solution or suspension;
- 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 through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, 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 in which the Director of Public Works, in the exercise of standard engineering practice, finds it acceptable to order a water customer to correct an unprotected cross connection with due consideration for the potable water supply system as a whole any oral notice being followed by written notice.

"Reduced Pressure Principle Backflow Preventer Assembly" (RPZ) means a reduced pressure principle backflow preventer assembly device covered by ASSE Standard #1013-1988 consisting of two (2) internal force-loaded check valves separated by an intermediate chamber for automatic venting/discharging to the atmosphere. The first check valve reduces the supply pressure a predetermined amount so that during the normal flow, and at cessation of normal flow, the pressure between the two (2) check valves will be lower than the supply pressure. If either check valve leaks, the relief valve will discharge to atmosphere and maintain the pressure in the zone between the two (2) check valves lower than the supply pressure. This device has two (2) shut-off valves located at each end of the device and four (4) test cocks for testing the check valves. This device is for high hazard conditions and is approved for continuous use.

"Service connection" means the physical connection to the water main including all fittings, and appurtenances, through which water is supplied to the customer.

"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.

"Residential Dwelling" means a customer's premises which is intended for use as a dwelling unit.

"Non-Residential Premises" means a customer's premises which are not intended for a dwelling unit.

(Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.030 Cross-connection prohibited.

A. 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.

B. 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 city.

C. There shall be no arrangement or connection by which contamination may enter the public water supply system.

(Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.040 Where protection is required.

A. An approved backflow prevention device shall be installed on each water service line to a customer's water system, when in the judgment of the Director of Public Works or his authorized representative, actual or potential hazards to the public water supply system may exist. The installation shall be done by a licensed plumber with a CCCDI registration at the sole expense of the customer being served. All approved backflow prevention devices shall be installed as follows:

1. Installation shall be in a location where the unit is readily accessible for maintenance, observation, testing and replacement.
2. Minimum clearance as recommended by the manufacturer shall be observed.
3. All devices shall be protected against flooding.
4. No backflow prevention device shall be installed where it would be subject to freezing.
5. Free draining of the relief port shall be maintained under all conditions.
6. Floor drains shall be provided.
7. If installed at ceiling level, a collection system shall be installed with a fixed proper air gap under the drain port to protect areas below the unit from discharge.
8. There shall be no reduction made in the size of the relief port drain.

B. All in-line backflow/back siphonage preventers shall have a full port type valve with a resilient seated shut-off valve on each side of the preventer and located within five (5) feet of the preventer.

C. A protective strainer shall be located upstream of the first check valve on all bakcflow/back siphonage preventers unless the device contains a built-in strainer. Fire safety systems are exempt from the strainer requirement.

D. Atmospheric vacuum breakers shall be installed with the critical level above the flood level rim of the fixture they serve, and on the discharge side of the last control valve of the fixture. No shut-off valve or faucet shall be installed beyond the vacuum breaker.

1. An atmospheric vacuum breaker shall be installed between the control valve and the fixture in such a manner that it will not be subject to water pressure, except the pressure incidental to water flowing to the fixture. An atmospheric vacuum breaker shall be installed on the outlet side of the control valve.

2. Flush valves shall be equipped with vacuum breakers installed on the discharge side of the flushing valve with the critical level at least four (4) inches above the overflow rim of the bowl or four (4) inches above the top of the urinal.
3. Flushing tanks shall be equipped with anti-siphon ball cocks. The ball cock shall be installed with the critical level of the vacuum breaker at least one (1) inch above the full opening of the overflow pipe. In cases where the ball cock has no hush tube, the bottom of the water supply inlet shall be installed one (1) inch above the top of the overflow pipe.

E. No in-line double check valve backflow preventer assembly (DCV), double check backflow preventer with intermediate atmospheric vent assembly, or reduced pressure principle backflow preventer assembly (RPZ) shall be located more than five (5) feet above a floor. After installation, each double check valve backflow preventer assembly (DCV), double check backflow preventer with intermediate atmospheric vent assembly, and reduced pressure principle backflow preventer assembly (RPZ) shall be field tested in-line in accordance with the manufacturer’s instructions by a CCCDI before initial operation.

F. An approved backflow prevention device shall be installed on each water service line to a customer's water system where the following conditions exist:
1. Premises having an auxiliary water system, unless such auxiliary water system is accepted as an additional source by the Director of Public Works and the source is approved by the Agency and city.
2. Premises where any substance(s) exist which can create an actual or potential hazard to the public water supply system.
3. Premises having internal cross-connections that, in the judgment of the Director of Public Works are not correctable or intricate plumbing arrangements which make it impossible to determine whether or not cross-connections exist.
4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical as determined in accordance with standard engineering practices to make a complete cross-connections survey.
5. Premises having a repeated history of cross-connections being established or re-established.

G. An approved backflow prevention device shall be installed on each water line to a customer's water system serving, but not necessarily limited to, the following types of facilities unless the Director of Public Works determines that no health hazard to the public water supply system exist:
1. Hospital, mortuaries, clinics, nursing homes.
2. Laboratories.
3. Piers, docks, waterfront facilities.
4. Sewage treatment plants, sewage pumping stations or storm water pumping stations.
5. Food or beverage processing plants.
6. Chemical plants.
7. Metal plating industries.
8. Petroleum processing or storage plants.
9. Radioactive material processing plants or nuclear reactors.
10. Car washes.
11. Facilities utilizing an auxiliary water source, and/or booster pumps for fire suppression.
12. Residential dwellings.
13. Facilities where kidney dialysis equipment is utilized. The water supply inlet to kidney dialysis equipment shall have a reduced pressure principle backflow preventer assembly conforming with ASSE 1013-1988 or a fixed air gap.
14. Facilities where backflow of storm water or sewage could occur. Backwater valves conforming to ASME/ANSI A 112.14.1-1975 (R1990) shall be installed in the building storm drain or the building drain to prevent backflow into the building.

H. Closed water systems created by properly installed backflow prevention devices shall have a properly sized thermal expansion tank located in the cold water supply as near to the water heater as possible and with no shut-off valve or other device between the heater and the expansion tank.
   1. In existing buildings with a closed water system, a properly sized relief valve may be substituted in place of a thermal expansion tank.
   2. For closed water systems created by backflow protection in manufactured housing, a ball cock with a relief valve may be substituted for the thermal expansion tank.

(Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.050 Type of protection required.

A. The type of protection required shall depend on the degree of hazard and toxicity of the backflow liquid. Approved backflow preventers or vacuum breakers shall be installed with all plumbing fixtures and equipment that may have a submerged potable water supply outlet and that are not protected by a minimum fixed air gap. Connection to the potable water supply system for the following fixtures or equipment shall be protected against backflow with one of the appropriate devices as indicated below:
   1. Inlet to receptacles containing non-toxic substances:
      a. fixed air gap fitting;
      b. reduced pressure principle backflow preventer assembly;
      c. atmospheric vacuum breaker unit;
      d. double check valve backflow preventer assembly; or
      e. double check backflow preventer with atmospheric vent assembly.
   2. Inlet to receptacles containing toxic substances of low or moderate toxicity:
      a. fixed air gap fitting;
      b. reduced pressure principle backflow preventer assembly; or
      c. atmospheric vacuum breaker unit;
   3. Outlets with hose attachments which may constitute a cross-connection:
      a. fixed air gap fitting;
      b. reduced pressure principle backflow preventer assembly; or
      c. atmospheric vacuum breaker unit;
   4. Coils or jackets used as heat exchangers in compressors, degreasers, and other such equipment involving toxic substances:
      a. fixed air gap fitting; or
      b. reduced pressure principle backflow preventer assembly;
   5. Direct connections which are subject to back pressure:
      a. Receptacles containing non-toxic substances:
         i) fixed air gap fitting;
         ii) reduced pressure principle backflow preventer assembly;
         iii) atmospheric vacuum breaker unit;
         iv) double check valve backflow preventer assembly; or
         v) double check backflow preventer with atmospheric vent assembly.
      b. Receptacles containing toxic substances of low or moderate toxicity:
         i) fixed air gap fitting;
         ii) reduced pressure principle backflow preventer assembly;
   6. Inlet to or direct connection with sewage or lethal substances of high toxicity: fixed air gap fitting.

B. The installation of any fire safety system involving the potable water supply system shall be protected against backflow as follows:

1. A fire safety system that does not have chemical additives or a method of supplying chemical additives to the system, does not have any non-potable connection, does not have a fire department hose (siamese) connection, and has less than five (5) sprinkler heads shall be separated from the potable water supply system by a double check valve backflow preventer assembly.
2. A double detector check valve backflow preventer assembly shall be installed at the fire safety system's point of connection to the potable water supply when:
    a. A fire safety system has no chemical additives, non-potable connection or fire department hose (but has five (5) or more sprinkler heads); or
    b. A fire safety system has no chemical additives or non-potable connection, but has one (1) or more fire department hose connections (for boosting pressure and flow to the fire safety system) which are served only by fire fighting apparatus connected to a public water supply or a fire department which does not use chemical additives or rely upon any non-potable water supply.
3. A fixed air gap with a break tank or other storage vessel or a reduced pressure principle backflow preventer assembly (RPZ) shall be installed at the fire safety system's point of connection to the potable water supply when:
    a. The fire safety system contains additives such as antifreeze, fire retardant or other chemicals. (The RPZ may be located at the point of connection to that section of the system containing such additives when the system's connection to the water supply is protected by a double detector check valve backflow preventer assembly); or
    b. Non-potable water flows into the fire safety system by gravity; or
    c. There is a permanent or emergency connection whereby water can be pumped into the fire safety system from any other non-potable source; or
    d. Fire department connections are available that could permit water to be pumped into the fire safety system from a non-potable source capable of serving the fire safety system. (A non-potable source of water shall be considered capable of serving the fire safety system under the following conditions: It must be capable of year-round use, maintained with at least 50,000 gallons of usable water not subject to freezing, accessible to fire fighting pumper equipment, and located within 1,700 feet of the facility.).

(Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.060 Backflow prevention device.

If in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code Part 890, the provisions hereof, or in the judgment of the Director of Public Works, based on generally accepted engineering practices, an approved backflow prevention device, as defined in this chapter, is necessary for the safety of the public water supply system, the Director of Public Works or his authorized designee will give notice to the water customer to install such an approved backflow prevention device immediately. 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 ordinances, and shall have inspections and tests made of such approved devices as required by the Illinois Plumbing Code and all applicable ordinances. The device shall be installed so that it is accessible to testing and servicing as required by the Illinois Plumbing Code, the provisions hereof or the Director of Public Works based on generally accepted engineering practices.

(Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.070 Water supply connection.

No person, firm or corporation shall establish or allow to be established or maintain or allow to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the supply or distribution system of the city; except, where there is a connection in existence on January 1, 1989, in which case, there shall be an approved cross-connection control device as described in Section 13.20.060. (Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.080 Surveys/investigations - Hazards.

The Director of Public Works shall cause surveys and investigations to be made of industrial and other properties served by the city water supply and distribution system to determine whether actual or potential hazards to such public water supply may exist. Such surveys and investigations shall be open for public inspection to the extent required by the Illinois Freedom of Information Act and shall be repeated at least every two years, or more often if the Director of Public Works shall deem it necessary. Records of such surveys shall be maintained and made available for review to the extent required by law for a period of at least five years. (Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.090 Inspection right.

The city CCCDI 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 for the purpose of verifying the presence or absence of cross-connections, and that the Director of Public Works or his authorized designee 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 for the purpose of verifying information submitted by the customer regarding the cross-connection control inspection required herein.

On demand, the owner, leasees, or occupants of any property so served shall furnish to the Director of Public Works any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Director of Public Works, be deemed evidence of the presence of improper connections as prohibited in this chapter. (Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.100 Violation - Service discontinuance.

The Director of Public Works of the city is hereby authorized and directed to discontinue, after notice to the customer in the manner hereinafter provided, the water service to any property wherein any connection in violation of the provisions of this chapter is known to exist, 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. Water service to such property shall not be restored until such conditions have been eliminated or corrective

action is taken in compliance with the provisions of this chapter, and until a reconnection fee in accordance with Section 16.16.220 hereof is paid to the city. (Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.110 Customer cost responsibility.

The customer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system. (Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.120 Survey and investigations non-residential premises.

A. The non-residential customer's premises shall be open at all reasonable times to the certified CCCDI as defined in 13.20.020(A) (13) for the inspection of the presence or absence of cross-connections within the non-residential customer's premises, and testing, repair and maintenance of cross-connection control devices within the customer's premises.

B. On request by the Director of Public Works, or his authorized designee, the non-residential customer shall furnish information regarding the piping system or systems for water use within the customer's premises and cross-connection inspection results. The non-residential customer's premises shall be open at all reasonable times to the Director of Public Works, or his designee, for the verification of information submitted by the customer regarding the piping systems for water use and cross-connection inspection results.

C. It shall be the responsibility of the non-residential water customer to arrange periodic surveys according to Section 13.20.080, of water use practices on the customer's premise to determine whether there are actual or potential cross-connections to the customer's water system through which contamination or pollution could backflow into the customer's or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with 225 ILCS 320/3, as amended. (Ord. 1996-M-53 § 29.)

D. It is the responsibility and financial obligation of the water customer to prevent backflow into the public water supply system by ensuring that:

1. All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
2. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
3. Cross-connection control devices shall be inspected at least annually by a person approved by the Agency as a CCCDI. The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions and such additional requirements, if any, of the city.

(Ord. 1997-M-102 § 1; Ord. 1996-M-53 § 30 &31; Ord. 1989-M-41 § 1.)

13.20.130 Inspection and maintenance

A. It shall be the duty of the customer at premises on which backflow prevention devices required by this chapter 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.

1. Fixed air gap separation devices shall be inspected at the time of installation and at least annually thereafter.
2. Dual check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within 15 days after any such inspection or testing.

3. Reduced pressure principle backflow prevention devices shall be tested at least annually or more frequently if recommended by the manufacturer.

B. Testing shall be performed by a person who is a CCCDI as defined in this chapter. Proof of status as a CCCDI shall be in writing.

C. Each device shall have a tag attached including the information as required in Section 13.20.100, Subsections (E) (3) and (E) (4).

D. Whenever backflow prevention devices required by this chapter are found to be defective, they shall be repaired or replaced at the expense of the customer within 15 days or as otherwise specified by the Director of Public Works.

E. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific written authorization by the Director of Public Works.

F. Copies of all test results shall be forwarded to the Director of Public Works at the time of each inspection as described in Section 13.20.140 (E).

(Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.140 Testing and Records

A. Each installed cross-connection control device shall be tested and maintained at least annually by a CCCDI, or more frequently if recommended by the manufacturer or Director of Public Works.

B. Original records submitted to the Director of Public Works shall be available for inspection by Agency personnel in accordance with 415 ILCS 5/4(e). These original records will be maintained by the city.

C. Records to verify testing and maintenance shall also be available at the site of the installation of the device.

D. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.

E. A maintenance log shall be maintained and include:

1. Date of each test;
2. Name and approval number of person performaing the inspection or test;
3. Test results/inspection;
4. Repairs or servicing required;
5. Repairs and date completed; and
6. Services performed and date completed.

F. Confidential information.

1. Water customers that file reports with the city may request in writing that portions of a report which may disclose trade secrets or proprietary processes shall not be made available for inspection by the public. To the extent permitted by law, confidential portions shall be made available upon written request to government agencies for uses related to this chapter. To the extent permitted by law, 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 customer furnishing the port.
2. Any information accepted as confidential shall not be transmitted to the general public until and unless written notification is given to the water customer. It shall be the responsibility of the water customer 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 St. Charles Municipal Code and the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.
3. Nothing herein shall be construed to limit or restrict any water consumer from exercising any right it may have to object to any request by the city for confidential information from such user.

(Ord. 1997-M-102 § 1.)

13.20.150 Booster pumps.

A. 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 20 psi or less.

B. It shall be the duty of the water customer to maintain the low pressure cut-off device in proper working order as described in Section 13.20.150(A) and to certify in writing to the Director of Public Works at least once a year that the device is in proper working order.

(Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.155 Heat exchange cross-connections.

A. Instantaneous water heaters or water storage heaters using shell and tube design steam-fired heat exchangers used for heating water for domestic use shall be acceptable for such use if they meet the conditions set forth in 35 Ill. Adm. Code 653.804(a) (1994), which are incorporated herein by reference.

B. Instantaneous water heaters and water storage heaters using shell and tube design hot water boiler-fired heat exchangers shall be acceptable for heating water for domestic use if they meet the conditions set forth in 35 Ill. Adm. Code 653.804(b) (1994), which are incorporated herein by reference.

(Ord. 1997-M-102 § 1.)

13.20.160 Violations.

A. The Director of Public Works may deny or discontinue, after notice to the customer and occupant thereof, the water service to any premises wherein any approved backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Director of Public Works; if it is found that the backflow prevention device has been removed or bypassed; if an unprotected cross-connection exists on the premises; or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

B. Water service to such premises shall not be restored until the customer or his successor has corrected or eliminated such conditions or defects in conformance with this chapter to the satisfaction of the Director of Public Works and the required reconnection fee is paid.

C. Any person, firm, or corporation who is found to have violated an order of the Director of Public Works or of the city council or who has violated any provision of this chapter shall upon conviction be fined in an amount not more than one thousand dollars ($1,000.00). 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 by appropriate suit at law against the person found to have violated this chapter or the orders issued hereunder.

D. Any person, firm, or corporation who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or who tampers with any device or method required under this chapter, shall upon conviction be fined not more than one thousand dollars ($1,000.00).

(Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

13.20.170 Corrective actions.

Nothing herein contained shall prevent the city of St. Charles from taking such other action as it deems necessary to prevent or remedy a violation of this chapter. (Ord. 1997-M-102 § 1; Ord. 1989-M-41 § 1.)

Appendix A

Approved Standards for Plumbing Applicances/Appurtenances/Devices

Anti-Backflow Freezeless Wall Hydrants	ANSI/ASSE	1019-1978
Anti-siphon Self Drawing Frost Proof Sillcock	ANSI/ASSE	1019-1978
Back Water Valves	ASME/ANSI	A112.14.1-1986
Double Check Detector Assembly	ANSI/ASSE	1048-1990
Double Check with Atmospheric Vent	ASSE	1012-1978
Double Check Valve Assembly	ASSE	1015-1988
Dual Check Valve	ANSI/ASSE	1024-1990
Dual Check Valve (Carbonated Beverage) (Relief Port Required)	ASSE	1032-1980
Reduced Pressure Detector Assembly	ANSI/ASSE	1047-1990
Reduced Pressure Principle Backflow Preventer	ASSE	1013-1988
Vacuum Breakers, Anti-Siphon	ANSI/ASSE	1001-1990
Vacuum Breakers Hose Connection	ANSI/ASSE	1011-1982
Vacuum Breaker (Laboratory Faucet)	ANSI/ASSE	1035-1984
Vacuum Breakers Pressure Type	ASSE	1020-1989

Abbreviations used in Appendix A refer to the following agencies or organizations:

1) ANSI American National Standards Institute
1430 Broadway
New York, NY 10018

2) ASME American Society of Mechanical Engineers
United Engineer Center
345 East 47th Street
New York, NY 10017

3) ASSE American Society of Sanitary Engineering
P.O. Box 40362
Bay Village, OH 44140

CHAPTER 13.22

CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

Sections:

13.22.001	Purpose and Scope.
13.22.002	Definitions.
13.22.003	Annual Registration Required.
13.22.004	Permit Required; Application and Fees.
13.22.005	Action on Permit Applications.
13.22.006	Effect of Permit.
13.22.007	Revised Permit Drawings.
13.22.008	Insurance.
13.22.009	Indemnification.
13.22.010	Security.
13.22.011	Permit Suspension and Revocation.
13.22.012	Change of Ownership, Owner's Identity, or Legal Status.
13.22.013	General Construction Standards.
13.22.014	Traffic Control.
13.22.015	Location of Facilities.
13.22.016	Construction Methods and Materials.
13.22.017	Vegetation Control.
13.22.018	Removal, Relocation, or Modification of Utility Facilities.
13.22.019	Cleanup and Restoration.
13.22.020	Maintenance and Emergency Maintenance.
13.22.021	Variances.
13.22.022	Penalties.
13.22.023	Enforcement.

13.22.001 Purpose And Scope.

A. Purpose. The purpose of this Chapter is to establish policies and procedures for constructing facilities on rights-of-way within the City's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the City rights-of-way and the City as a whole.

B. Intent. In enacting this Chapter, the City intends to exercise its authority over the rights-of-way in the City and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

1. prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
2. prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
3. prevent interference with the facilities and operations of the City's utilities and of other utilities lawfully located in rights-of-way or public property;
4. protect against environmental damage, including damage to trees, from the installation of utility facilities;
5. protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;

6. preserve the character of the neighborhoods in which facilities are installed;
7. preserve open space, particularly the tree-lined parkways that characterize the City's residential neighborhoods;
8. prevent visual blight from the proliferation of facilities in the rights-of-way; and
9. assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

C. Facilities Subject to This Chapter. This Chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the City. A facility lawfully established prior to the effective date of this Chapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

D. Franchises, Licenses, or Similar Agreements. The City, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the City rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the City enter into such an agreement. In such an agreement, the City may provide for terms and conditions inconsistent with this Chapter.

E. Effect of Franchises, Licenses, or Similar Agreements.

1. Utilities Other Than Telecommunications Providers. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the City, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

2. Telecommunications Providers. In the event of any conflict with, or inconsistency between, the provisions of this Chapter and the provisions of any franchise, license or similar agreement between the City and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

F. Conflicts with Other Chapters. This Chapter supersedes all Chapters or parts of Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

G. Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Chapter, the utility shall comply with the requirements of this Chapter to the maximum extent possible without violating federal or State laws or regulations.

H. Sound Engineering Judgment. The City shall use sound engineering judgment when administering this Chapter and may vary the standards, conditions, and requirements expressed in this Chapter when the City so determines. Nothing herein shall be construed to limit the ability of the City to regulate its rights-of-way for the protection of the public health, safety and welfare.

13.22.002 Definitions.

For the purposes of this Chapter, 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 singular number, and words in the singular number include the plural number. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code §530.30, the Illinois Municipal Code (65 ILCS 5/1-1-1 et seq.), the Illinois Telecommunications Municipal Infrastructure Maintenance Fee Act (35 ILCS 635/1 et seq.), the Illinois Telephone Company Act (220 ILCS 65/0.01 et seq.), the Cable and Video Competition Law of 2007 (220 ILCS 5/21-100 et seq.) and the Illinois Highway Code, (605 ILCS 5/1-101 et seq.), unless the context clearly requires otherwise. In the event that a term is not defined by this Chapter or the above-cited, said term shall have its common and ordinary meaning.

"AASHTO" - American Association of State Highway and Transportation Officials.
"ANSI" - American National Standards Institute.

"Applicant" - A person applying for a permit under this Chapter.
"ASTM" - American Society for Testing and Materials.
"Backfill" - The methods or materials for replacing excavated material in a trench or pit.
"Bore" or "Boring" - To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.
"Cable operator" - That term as defined in 47 U.S.C. 522(5).
"Cable service" - That term as defined in 47 U.S.C. 522(6).
"Cable system" - That term as defined in 47 U.S.C. 522(7).
"Carrier Pipe" - The pipe enclosing the liquid, gas or slurry to be transported.
"Casing" - A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.
"City" - The City of St. Charles.
"Clear Zone" - The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.
"Coating" - Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.
"Code" - The Municipal Code of the City of St. Charles.
"Conductor" - Wire carrying electrical current.
"Conduit" - A casing or encasement for wires or cables.
"Construction" or "Construct" - The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.
"Cover" - The depth of earth or backfill over buried utility pipe or conductor.
"Crossing Facility" - A facility that crosses one or more right-of-way lines of a right-of-way.
"Disrupt the Right-of-Way" - For the purposes of this Chapter, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.
"Emergency" - Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.
"Encasement" - Provision of a protective casing.
"Equipment" - Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.
"Excavation" - The making of a hole or cavity by removing material, or laying bare by digging.
"Extra Heavy Pipe" - Pipe meeting ASTM standards for this pipe designation.
"Facility" - All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Chapter. For purposes of this Chapter, the term "facility" shall not include any facility owned or operated by the City.
"Freestanding Facility" - A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.
"Frontage Road" - Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

"Hazardous Materials" - Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Director of Public Works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.
"Highway Code" - The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.
"Highway" - A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.
"Holder" - A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.
"IDOT" - Illinois Department of Transportation.
"ICC" - Illinois Commerce Commission.
"Jacking" - Pushing a pipe horizontally under a roadway by mechanical means with or without boring.
"Jetting" - Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.
"Joint Use" - The use of pole lines, trenches or other facilities by two or more utilities.
"J.U.L.I.E." - The Joint Utility Locating Information for Excavators utility notification program.
"Major Intersection" - The intersection of two or more major arterial highways.
"Occupancy" - The presence of facilities on, over or under right-of-way.
"Parallel Facility" - A facility that is generally parallel or longitudinal to the centerline of a right-of-way.
"Parkway" - Any portion of the right-of-way not improved by street or sidewalk.
"Pavement Cut" - The removal of an area of pavement for access to facility or for the construction of a facility.
"Permittee" - That entity to which a permit has been issued pursuant to Sections 13.22.004 and 13.22.005 of this Chapter .
"Practicable" - That which is performable, feasible or possible, rather than that which is simply convenient.
"Pressure" - The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).
"Petroleum Products Pipelines" - Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.
"Prompt" - That which is done within a period of time specified by the City. If no time period is specified, the period shall be thirty (30) days.
"Public Entity" - A legal entity that constitutes or is part of the government, whether at local, state or federal level.
"Restoration" - The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.
"Right-of-Way" or "Rights-of-Way"- Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the City has the right and authority to authorize, regulate or permit the location of facilities other than those of the City. "Right-of-way" or "Rights-of-way" shall not include any real or personal City property that is not specifically described in the previous two sentences and shall not include City buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.
"Roadway" - That part of the highway that includes the pavement and shoulders.
"Sale of Telecommunications at Retail" - The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one

such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.
"Security Fund" - That amount of security required pursuant to Section 13.22.010.
"Shoulder" - A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.
"Sound Engineering Judgment" - A decision(s) consistent with generally accepted engineering principles, practices and experience.
"Telecommunications" - This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations.
"Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission.
"Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the City through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.
"Telecommunications Provider" - Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.
"Telecommunications Retailer" - Means and includes every person engaged in making sales of telecommunications at retail as defined herein.
"Trench" - A relatively narrow open excavation for the installation of an underground facility.
"Utility" - The individual or entity owning or operating any facility as defined in this Chapter .
"Vent" - A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.
"Video Service" - That term as defined in section 21-201 (v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).
"Water Lines" - Pipelines carrying raw or potable water.
"Wet Boring" - Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

13.22.003 Annual Registration Required.

Every utility that occupies right-of-way within the City shall register on or before January 1 of each year with the Director of Public Works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24-hour telephone number for each such person, and evidence of insurance as required in Section 13.22.008 of this Chapter, in the form of a certificate of insurance.

13.22.004. Permit Required; Applications And Fees.

A. Permit Required. No person shall construct any facility on, over, above, along, upon, under, across, or within any City right-of-way which (1) changes the location of the facility, (2) adds a new facility, (3) disrupts the right-of-way, or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under across or within the right-of-way, without first filing an application with the Director of Public Works and obtaining a permit from the City therefore, except as otherwise provided in this Chapter. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

B. Permit Application. All applications for permits shall be filed on a form provided by the City and shall be filed in such number of duplicate copies as the City may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

C. Minimum General Application Requirements. The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

1. The utility's name and address and telephone and telecopy numbers;

2. The applicant's name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;

3. The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;

4. A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;

5. Evidence that the utility has placed on file with the City:

a. A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and

An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the City and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the City finds that additional information or assurances are needed;

A written site sediment/soil erosion plan demonstrating the protective measures and devices that will be employed consistent with Article 3 of the Kane County Stormwater Ordinance as revised.

6. Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;

7. Evidence of insurance as required in Section 13.22.008 of this Chapter;

8. Evidence of posting of the security fund as required in Section 13.22.010 of this Chapter;

9. Any request for a variance from one or more provisions of this Chapter (See Section 13.22.021); and

10. Such additional information as may be reasonably required by the City.

D. Supplemental Application Requirements for Specific Types of Utilities. In addition to the requirements of Subsection C. of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

1. In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;

2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;

3. In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency and any other local or state entities with jurisdiction, have been satisfied;
5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.
E. Applicant's Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the City within thirty (30) days after the change necessitating the amendment.
F. Application Fees. Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Chapter shall be accompanied by a fee in the amount specified by the Director of Public Works from time-to-time. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

13.22.005. Action On Permit Applications.
A. City Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the Director of Public Works within a reasonable time after the filing thereof. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the Director of Public Works shall reject such application in writing, stating the reasons therefor. If the Director of Public Works is satisfied that the proposed work conforms to the requirements of this Chapter and applicable ordinances, codes, laws, rules, and regulations, the Director of Public Works shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Director of Public Works, that the construction proposed under the application shall be in full compliance with the requirements of this Chapter.
B. Additional City Review of Applications of Telecommunications Retailers.
1. Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the City that it intends to commence work governed by this Chapter for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the City not less than ten (10) days prior to the commencement of work requiring no excavation and not less than thirty (30) days prior to the commencement of work requiring excavation. The Director of Public Works shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.
2. In the event that the Director of Public Works fails to provide such specification of location to the telecommunications retailer within either (i) ten (10) days after service of notice to the City by the telecommunications retailer in the case of work not involving excavation for new construction or (ii) twenty-five (25) days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Chapter.
3. Upon the provision of such specification by the City, where a permit is required for work pursuant to Section 13.22.004 of this Chapter the telecommunications retailer shall submit to the City an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of Subsection A. herein.
C. Additional City Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007. Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted forty-five (45) days after submission to

the City, unless otherwise acted upon by the City, provided the holder has complied with all applicable City codes, ordinances, and regulations.

13.22.006. Effect Of Permit.

A. Authority Granted; No Property Right or Other Interest Created. A permit issued by the City authorizes a permittee to undertake only certain activities in accordance with this Chapter on City rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.

B. Duration. No permit issued under this Chapter shall be valid for a period longer than six (6) months unless construction is actually begun within that period and is thereafter diligently pursued to completion.

C. Pre-construction meeting required. No construction shall begin pursuant to a permit issued under this Chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the City with such City representatives in attendance as the City deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

D. Compliance with All Laws Required. The issuance of a permit by the City does not excuse the permittee from complying with other requirements of the City and applicable statutes, laws, ordinances, rules, and regulations.

13.22.007. Revised Permit Drawings.

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the City within ninety (90) days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Chapter, it shall be treated as a request for variance in accordance with Section 13.22.021 of this Chapter. If the City denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

13.22.008. Insurance.

A. Required Coverages and Limits. Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the City, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs 1 and 2 below:

1. Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as “X,” “C,” and “U” coverages) and products-completed operations coverage with limits not less than:

a. Five million dollars ($5,000,000) for bodily injury or death to each person;

b. Five million dollars ($5,000,000) for property damage resulting from any one accident; and

c. Five million dollars ($5,000,000) for all other types of liability.

2. Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million dollars ($1,000,000) for personal injury and property damage for each accident;

3. Worker’s compensation with statutory limits; and

4. Employer's liability insurance with limits of not less than one million dollars ($1,000,000) per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

B. Excess or Umbrella Policies. The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

C. Copies Required. The utility shall provide copies of any of the policies required by this Section to the City within ten (10) days following receipt of a written request therefor from the City.

D. Maintenance and Renewal of Required Coverages. The insurance policies required by this Section shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the City, by certified mail, return receipt requested, of a written notice addressed to the City Administrator of such intent to cancel or not to renew."

Within ten (10) days after receipt by the City of said notice, and in no event later than ten (10) days prior to said cancellation, the utility shall obtain and furnish to the City evidence of replacement insurance policies meeting the requirements of this Section. In the event that the utility fails to obtain or produce evidence of said replacement insurance, any permits issued pursuant to this Chapter shall, without any further notice, be null and void.

E. Self-Insurance. A utility may self-insure all or a portion of the insurance coverage and limit requirements required by Subsection A. herein. A utility that self-insures is not required, to the extent of such self-insurance, to comply with Subsections A, B, C, and D of this Section. A utility that elects to self-insure shall provide to the City evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under Subsection A herein, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.

F. Effect of Insurance and Self-Insurance on Utility's Liability. The legal liability of the utility to the City and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

G. Insurance Companies. All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business in the State of Illinois. All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by the A.M. Best Company.

13.22.009. Indemnification.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the City and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Chapter by the City, its elected and appointed officials and officers, employees, agents or representatives.

13.22.010. Security.

A. Purpose. The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve as security for:

1. The faithful performance by the permittee of all the requirements of this Chapter;
2. Any expenditure, damage, or loss incurred by the City occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the City issued pursuant to this Chapter; and
3. The payment by permittee of all liens and all damages, claims, costs, or expenses that the City may pay or incur by reason of any action or non-performance by permittee in violation of this Chapter including, without limitation, any damage to public property or restoration work the permittee is required to perform pursuant to this Chapter and that the City must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the City from the permittee pursuant to this Chapter or any other applicable law, franchise, license or agreement.

B. Form. The permittee shall provide the Security Fund to the City in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the City, or an unconditional letter of credit in a form acceptable to the City. Any surety bond or letter of credit provided pursuant to this Subsection shall, at a minimum:

1. Provide for the notification to the City at least sixty (60) days prior to expiration; and
2. Not require the consent of the permittee prior to the collection by the City of any amounts covered by it; and
3. Shall provide a location convenient to the City and within the State of Illinois at which it can be drawn; and
4. Be irrevocable; and

Run solely to the benefit of the City; and

Provide that the company issuing the financial instrument shall satisfy the City's rating criteria, as applicable: banks (for letters of credit, bonds): Prudent Man Analysis, Inc, rating of 1, 2, or 3 (or equivalent); or Insurance Companies (for surety bonds): A M Best Company rating of Superior (A++ and A+), Excellent (A and A-), Very Good (B++ and B+) (or equivalent),

C. Amount. The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost **plus 15%** to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Director of Public Works **or his designee**, and may also include reasonable, directly related costs that the City estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the City, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Director of Public Works may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this Subsection (C) for any single phase.

D. Withdrawals. The City, upon fourteen (14) days' prior written notice clearly stating the reason for, and its intention to, exercise withdrawal rights under this Subsection, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the City for such amount within the fourteen (14) day notice period. Withdrawals may be made if the permittee:

1. Fails to make any payment required to be made by the permittee hereunder;
2. Fails to pay any liens relating to the facilities that are due and unpaid;

3. Fails to reimburse the City for any damages, claims, costs or expenses which the City has been compelled to pay or incur by reason of any action or non-performance by the permittee; or

4. Fails to comply with any provision of this Chapter that the City determines can be remedied by an expenditure of an amount in the Security Fund.

E. Replenishment. Within fourteen (14) days after receipt of written notice from the City that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in Subsection C of this Section.

F. Interest. The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the City, upon written request for said withdrawal to the City, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in Subsection C of this Section.

G. Closing and Return of Security Fund. Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the City for failure by the permittee to comply with any provisions of this Chapter or other applicable law. In the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the City to the extent necessary to cover any reasonable costs, loss or damage incurred by the City as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

H. Rights Not Limited. The rights reserved to the City with respect to the Security Fund are in addition to all other rights of the City, whether reserved by this Chapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the City may have. Notwithstanding the foregoing, the City shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

13.22.011. Permit Suspension And Revocation.

A. City Right to Revoke Permit. The City may revoke or suspend a permit issued pursuant to this Chapter for one or more of the following reasons:

1. Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;

2. Non-compliance with this Chapter;

3. Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or

4. Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

B. Notice of Revocation or Suspension. The City shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section 13.22.011.

C. Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension. Upon receipt of a written notice of revocation or suspension from the City, the permittee shall have the following options:

1. Immediately provide the City with evidence that no cause exists for the revocation or suspension;

2. Immediately correct, to the satisfaction of the City, the deficiencies stated in the written notice, providing written proof of such correction to the City within five (5) working days after receipt of the written notice of revocation; or

3. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the City providing written proof of such removal to the City within ten (10) days after receipt of the written notice of revocation.

The City may, in its discretion, for good cause shown, extend the time periods provided in this Subsection.

D. Stop Work Order. In addition to the issuance of a notice of revocation or suspension, the City may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within Subsection A herein.

E. Failure or Refusal of the Permittee to Comply. If the permittee fails to comply with the provisions of Subsection C herein, the City or its designee may, at the option of the City: (1) correct the deficiencies; (2) upon not less than twenty (20) days notice to the permittee, remove the subject facilities or equipment; or (3) after not less than thirty (30) days notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the City. The permittee shall be liable in all events to the City for all costs of removal.

13.22.012. Change Of Ownership Or Owner's Identity Or Legal Status.

A. Notification of Change. A utility shall notify the City no less than thirty (30) days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this Chapter, with respect to the work and facilities in the right-of-way.

B. Amended Permit. A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the City's right-of-way.

C. Insurance and Bonding. All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

13.22.013. General Construction Standards.

A. Standards and Principles. All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time-to-time:

1. Standard Specifications for Road and Bridge Construction;
2. Supplemental Specifications and Recurring Special Provisions;
3. Highway Design Manual;
4. Highway Standards Manual;
5. Standard Specifications for Traffic Control Items;
6. Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
7. Flagger's Handbook; and
8. Work Site Protection Manual for Daylight Maintenance Operations.

B. Interpretation of Municipal Standards and Principles. If a discrepancy exists between or among differing principles and standards required by this Chapter, the Director of Public Works shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Director of Public Works shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

13.22.014. Traffic Control.

A. Minimum Requirements. The City's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

B. Warning Signs, Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.

C. Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.
D. Notice When Access is Blocked. At least forty-eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to Section 13.22.020 of this Chapter, the utility shall provide such notice as is practicable under the circumstances.
E. Compliance. The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the City.

13.22.015. Location Of Facilities.
A. General Requirements. In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.
1. No Interference with City Facilities. No utility facilities shall be placed in any location if the Director of Public Works determines that the proposed location will require the relocation or displacement of any of the City's utility facilities or will otherwise interfere with the operation or maintenance of any of the City's utility facilities.
2. Minimum Interference and Impact. The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.
3. No Interference with Travel. No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
4. No Limitations on Visibility. No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
5. Size of Utility Facilities. The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.
B. Parallel Facilities Located Within Highways.
1. Overhead Parallel Facilities. An overhead parallel facility may be located within the right-of-way lines of a highway only if:
a. Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
b. Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;
c. Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;
d. No pole is located in the ditch line of a highway; and
e. Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.
2. Underground Parallel Facilities. An underground parallel facility may be located within the right-of-way lines of a highway only if:
a. The facility is located as near the right-of-way line as practicable and not more than eight (8) feet (2.4 m) from and parallel to the right-of-way line;
b. A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
c. In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five (5) feet (1.5 m) from the right-of-way line and any

above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.

C. Facilities Crossing Highways.

1. No Future Disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of City highways may require the incorporation of materials and protections (i.e. as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

2. Cattle Passes, Culverts, or Drainage Facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.

3. 90 Degree Crossing Required. Crossing facilities shall cross at or as near to a ninety (90) degree angle to the centerline as practicable.

4. Overhead Power or Communication Facility. An overhead power or communication facility may cross a highway only if:

a. It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);

b. Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and

c. Overhead crossings at major intersections are avoided.

5. Underground Power or Communication Facility. An underground power or communication facility may cross a highway only if:

a. The design materials and construction methods will provide maximum maintenance-free service life; and

b. Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.

6. Markers. The City may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).

D. Facilities to be Located Within Particular Rights-of-Way. The City may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

E. Freestanding Facilities.

1. The City may restrict the location and size of any freestanding facility located within a right-of-way.

2. The City may require any freestanding facility located within a right-of-way to be screened from view.

F. Facilities Installed Above Ground. Above ground facilities may be installed only if:

1. No other existing facilities in the area are located underground;

2. New underground installation is not technically feasible; and

3. The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

G. Facility Attachments to Bridges or Roadway Structures.

1. Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.

2. A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:

a. The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to, or failure of, the facility;

b. The type, length, value, and relative importance of the highway structure in the transportation system;

c. The alternative routings available to the utility and their comparative practicability;

d. The proposed method of attachment;

e. The ability of the structure to bear the increased load of the proposed facility;

f. The degree of interference with bridge maintenance and painting;

g. The effect on the visual quality of the structure; and

h. The public benefit expected from the utility service as compared to the risk involved.

H. Appearance Standards.

1. The City may prohibit the installation of facilities in particular locations in order to preserve visual quality.

2. A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

13.22.016. Construction Methods And Materials.

A. Standards and Requirements for Particular Types of Construction Methods.

1. Boring or Jacking.

a. Pits and Shoring. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Director of Public Works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than forty-eight (48) hours in advance of boring or jacking operations and backfilled within forty-eight (48) hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

b. Wet Boring or Jetting. Wet boring or jetting shall not be permitted under the roadway.

c. Borings with Diameters Greater Than 6 Inches. Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).

d. Borings with Diameters 6 Inches or Less. Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.

e. Tree Preservation. Any facility located within the drip line of any tree designated by the City to be preserved or protected shall be bored under or around the root system.

2. Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accordance with the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and Bridge Construction."

a. Length. The length of an open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Director of Public Works.

b. Open Trench and Excavated Material. Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where

right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

c. Drip Line of Trees. The utility shall not trench within the drip line of any tree designated by the City to be preserved.

3. Backfilling.

a. Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction." When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

b. For a period of three (3) years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Director of Public Works, the utility, at its sole expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Director of Public Works.

4. Pavement Cuts. Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this paragraph is permitted under Section 13.22.021, the following requirements shall apply:

a. Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Director of Public Works.

b. Restoration of pavement, in kind, shall be accomplished as soon as practicable and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the City.

c. All saw cuts shall be full depth.

d. For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

5. Encasement.

a. Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the City.

b. The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.

c. In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or City approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the City. Bell and spigot type pipe shall be encased regardless of installation method.

d. In the case of gas pipelines of sixty (60) psig or less, encasement may be eliminated.

e. In the case of gas pipelines or petroleum products pipelines with installations of more than sixty (60) psig, encasement may be eliminated only if: (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided;

f. If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

6. Minimum Cover of Underground Facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

TYPE OF FACILITY	MINIMUM COVER
Electric Lines **Communication, Cable or Video Service Lines**	**30 Inches (0.8 m)** **18 to 24 Inches (0.6 m, as determined by City)**
Gas or Petroleum Products	**30 Inches (0.8 m)**
Water Line	**Sufficient Cover to Provide Freeze Protection**
Sanitary Sewer, Storm Sewer, or Drainage Line	**Sufficient Cover to Provide Freeze Protection**

B. Standards and Requirements for Particular Types of Facilities.

1. Electric Power or Communication Lines.

a. Code Compliance. Electric power or communications facilities within City rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines," and the National Electrical Safety Code.

b. Overhead Facilities. Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.

c. Underground Facilities. (1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads. (2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: (a) the crossing is installed by the use of "moles," "whip augers," or other approved method which compress the earth to make the opening for cable installation or (b) the installation is by the open trench method which is only permitted prior to roadway construction. (3) Cable shall be grounded in accordance with the National Electrical Safety Code.

d. Burial of Drops. All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise expressly approved by the City. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten (10) business days after placement.

2. Underground Facilities Other than Electric Power or Communication Lines. Underground facilities other than electric power or communication lines may be installed by:

a. the use of "moles," "whip augers," or other approved methods which compress the earth to move the opening for the pipe;

b. jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

c. open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

d. tunneling with vented encasement, but only if installation is not possible by other means.

3. Gas Transmission, Distribution and Service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a City approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT's "Standard Specifications for Road and Bridge Construction," and all other applicable laws, rules, and regulations.

4. Petroleum Products Pipelines. Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

5. Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines. Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois."

6. Ground Mounted Appurtenances. Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Director of Public Works. With the approval of the Director of Public Works, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

C. Materials.

1. General Standards. The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standards Specifications for Road and Bridge Construction," the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.

2. Material Storage on Right-of-Way. No material shall be stored on the right-of-way without the prior written approval of the Director of Public Works. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the City.

3. Hazardous Materials. The plans submitted by the utility to the City shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

D. Operational Restrictions.

1. Construction operations on rights-of-way may, at the discretion of the City, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.

2. These restrictions may be waived by the Director of Public Works when emergency work is required to restore vital utility services.

3. Unless otherwise permitted by the City, the hours of construction are 7:00 a.m. to 6:00 p.m.

E. Location of Existing Facilities. Any utility proposing to construct facilities in the City shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The City will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the City or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within forty-eight (48) hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq*.)

13.22.017. Vegetation Control.

A. Electric Utilities – Compliance with State Laws and Regulations. An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with the terms of any local franchise or other agreement as permitted by law.

B. Other Utilities – Tree Trimming Permit Required. Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required by this Chapter.

1. Application for Tree Trimming Permit. Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

2. Damage to Trees. Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The City will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The City may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

C. Specimen Trees or Trees of Special Significance. The City may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

D. Chemical Use.

1. Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the City for any purpose, including the control of growth, insects or disease.

2. Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Director of Public Works that such spraying is the only practicable method of vegetation control.

13.22.018. Removal, Relocation, Or Modifications Of Utility Facilities.

A. Notice. Within ninety (90) days following written notice from the City, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the rights-of-way.

B. Removal of Unauthorized Facilities. Within thirty (30) days following written notice from the City, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

1. Upon expiration or termination of the permittee's franchise, license or other agreement, unless otherwise permitted by applicable law;

2. If the facility was constructed or installed without the prior grant of a license, franchise or other agreement, if required;

3. If the facility was constructed or installed without prior issuance of a permit in violation of this Chapter; or

4. If the facility was constructed or installed at a location not permitted by the permittee's franchise, license or other agreement.

C. Emergency Removal or Relocation of Facilities. The City retains the right and privilege to cut or move any facilities located within the rights-of-way of the City, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

D. Abandonment of Facilities. Upon abandonment of a facility within the rights-of-way of the City, the utility shall notify the City within ninety (90) days. Following receipt of such notice the City may direct the utility to remove all or any portion of the facility if the Director of Public Works determines that such

removal will be in the best interest of the public health, safety and welfare. In the event that the City does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the City, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

13.22.019. Clean-Up And Restoration.

The utility shall remove all excess material and restore all turf and terrain and other property within ten (10) days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the City. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Director of Public Works. Such cleanup and repair may be required to consist of backfilling, regarding, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Director of Public Works for good cause shown.

13.22.020. Maintenance And Emergency Maintenance.

A. General. Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the City and at the utility's sole expense.

B. Emergency Maintenance Procedures. Emergencies may justify non-compliance with normal procedures for securing a permit in the following circumstances:

1. If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.

2. In an emergency, the utility shall, as soon as possible, notify the Director of Public Works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the City police shall be notified immediately.

3. In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

C. Emergency Repairs. The utility must file in writing with the City a description of the repairs undertaken in the right-of-way within forty-eight (48) hours after an emergency repair.

13.22.021. Variances.

A. Request for Variance. A utility requesting a variance from one or more of the provisions of this Chapter must do so in writing to the Director of Public Works as a part of the permit application. The request shall identify each provision of this Chapter from which a variance is requested and the reasons why a variance should be granted.

B. Authority to Grant Variances. The Director of Public Works shall decide whether a variance is authorized for each provision of this Chapter identified in the variance request on an individual basis.

C. Conditions for Granting of Variance. The Director of Public Works may authorize a variance only if the utility requesting the variance has demonstrated that:

1. One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and

2. All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

D. Additional Conditions for Granting of a Variance. As a condition for authorizing a variance, the Director of Public Works may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Chapter but which carry out the purposes of this Chapter.

E. Right to Appeal. Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Director of Public Works under the provisions of this Chapter shall have the right to appeal to the City Council, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the City Clerk within thirty (30) days after the date of such order, requirement, decision or determination. The City Council shall commence its consideration of the appeal at the Council's next regularly scheduled meeting occurring at least seven (7) days after the filing of the appeal. The City Council shall timely decide the appeal.

13.22.022. Penalties.

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Chapter shall be subject to a fine of not less than $250 nor more than $750 for each such violation, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists. There may be times when the City will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties pursuant to its permit and this Chapter. Unless the utility demonstrates that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the City's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the City. Sanctions may be imposed upon a utility that does not pay the costs so apportioned.

13.22.023. Enforcement.

Nothing in this Chapter shall be construed as limiting any additional or further remedies that the City may have for enforcement of this Chapter.

13.22.024. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof."

TITLE 13 FOOTNOTES

1. For statutory provisions authorizing municipalities to acquire, construct, own, operate or lease any necessary public utility, see 65 ILCS 5/11-117-1 et seq. (Ord. 1996-M-53 § 27.)

2. For statutory provisions on municipal regulation of air conditioning, see 65 ILCS 5/11-32-1. (Ord. 1996-M-53 § 27.)

3. **Editor's Note:** Ord. 1965-6 is the underlying ordinance for prior code §'s 14.103 through 14.105.

Title 14

(RESERVED)