

ORDINANCE NO. 79-11

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED by the President and Board of Trustees of the Village of Chatham, Sangamon County, Illinois, as follows:

ARTICLE I

Definitions

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

Section 1. "Ordinance" means this ordinance.

Section 2. "Village" means the Village of Chatham, of Sangamon County, Illinois.

Section 3. "Person" shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

Section 4. Clarification of word usage: "Shall" is mandatory; "may" is permissible.

Section 5. Wastewater and its characteristics:

"Wastewater" or "Sewage" shall mean the spent water of a community, which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

"Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

"ppm" shall mean parts per million by weight.

"Milligrams per Liter" shall mean a unit of the concentration of water or wastewater constituent, being 0.001 g of the constituent in 1,000 ml of water.

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

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

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

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

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

"Properly Shredded Garbage" shall mean wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

"Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater

by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

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

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

"Major Contributing Industry" shall mean an industrial user of the publicly owned treatment works that: (a) has a flow of 25,000 gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or (d) is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

Section 6. Sewer types, and appurtenances:

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

"Public Sewer" shall mean the sanitary sewer of the Village of Chatham.

It shall also include sewers within or outside the Village of Chatham boundaries that serve one or more persons and ultimately discharge into the Village sanitary sewer system, even though such sewers may not have been constructed with Village funds.

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

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

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

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

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

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

Section 7. Treatment:

"Pretreatment" shall mean the treatment of wastewaters from sources before introduction into the sanitary sewer system of the Village of Chatham.

Section 8. "Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

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Section 9. Watercourse and connections:

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

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

Section 10. User types:

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

"Residential or Commercial" or "Non-industrial" user, shall mean any user of the public sewer of the Village of Chatham not classified as an industrial user or excluded as an industrial user as provided for in this section.

"Industrial User" shall mean any user of publicly owned treatment works:

(1) identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (i) Division A--Agriculture, Forestry, and Fishing.
- (ii) Division B--Mining.
- (iii) Division D--Manufacturing.
- (iv) Division E--Transportation, Communications, Electric, Gas and Sanitary Services.
- (v) Division I--Services;

A user in the Divisions listed may be excluded if it is determined by the Village of Chatham or the Springfield Sanitary District that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences; or

(2) which discharges wastewater to the public sewer which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of the wastewater treatment plant, or to injure or interfere

with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the wastewater treatment works.

"Control Manhole" shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop.

ARTICLE II

Use of Public Sewers Required

Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Chatham of Sangamon County, Illinois, any human or animal excrement, garbage or other objectionable waste.

Section 2. It shall be unlawful to discharge to any natural outlet within the Village of Chatham of Sangamon County, Illinois, or in any area under the jurisdiction of said Village of Chatham, any sewage or other polluted waters.

Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the public sewer in accordance with the provisions of this ordinance within sixty (60)

days after date of official notice to do so, provided that said public sewer is within two hundred (200') feet of the property line.

Section 5. Any person required by law to install a sanitary sewer for connection to the public sewer in the Village shall use materials conforming to the standards of this Section; to-wit:

Public sewer materials shall be vitrified clay or acrylonitrile-butadiene-styrene (ABS) plastic. Sewer pipe and fittings shall conform to currently dated standards of the American Society for Testing Materials (ASTM); American Standards Association (ASA), American Water Works Association; or The General Services Administration (Federal specification) for the type of pipe suitable for the use intended:

a) Vitrified Clay Pipe.

ASTM C700 - Extra Strength Clay Pipe Federal Specification SS-P-361-Vitrified Clay Sewer Pipe Compression Complings for Vitrified Clay Plain-End Pipe.

ASTM C-594-73; the joint on the clay sewer pipe and fittings shall consist of a PVC Bell or Collar on the bell end of the clay sewer pipe in such a manner as to be water and air tight, and a polyurethane compression sealing element securely fastened on the spigot end of the Clay Sewer Pipe at the factory.

b) ABS Truss Pipe.

ABS Truss Pipe shall comply with D2680-75-Acrylonitrile-Butadiene-Styrene Composite Sewer Pipe Type SC Joint.

ARTICLE III

Private Sewage Disposal

Section 1. When the public sewerage system of the Village is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system in compliance with the "Private Sewage Disposal Licensing Act," effective July 1, 1974, as amended, [Ill. Rev. Stat., 1977, Ch. 111½, par. 116.301 et. seq.].

Section 2. When the public sewerage system of the Village becomes available to any person using a private sewage disposal system, the building sewer shall be connected

to the public sewer within sixty (60) days of the date of such availability and the private sewage disposal system shall be disconnected. A private sewage disposal system shall not be abandoned in such a fashion as to create a health or safety hazard or in violation of federal, state, or local environmental control, health or safety laws, rules or regulations.

ARTICLE IV

Building Sewers and Connections

Section 1. No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village of Chatham.

Section 2. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards, including, but not limited to those of the Springfield Sanitary District.

Section 3. No building sewer connection shall be permitted unless the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

Section 4. All costs and expense incident to the installation and connection of a building sewer shall be paid by the owner thereof. The owner shall indemnify the Village of Chatham from any loss or damage that may directly or indirectly be occasioned by the installation of a building sewer. The owner shall be responsible for maintenance of

the line, pipe, and service equipment of the building sewer to the point at which such sewer is connected to the public sewer shall be deemed the owner thereof, and shall be responsible for all costs or damages incurred by the Village for failure to maintain or construct the building sewer in accordance with this Ordinance, applicable local, state and federal law, and rules and regulations enacted pursuant thereto.

Section 5. A separate and independent building sewer shall be provided for every building, provided, however that where one building stands at the rear of another on an interior lot and no private sewer is otherwise permitted by this Ordinance, or the public sewer can not be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 6. Building sewers constructed prior to the effective date of this Ordinance may be used in connection with new buildings only when they are found, on examination and test by the Village of Chatham, to meet all requirements of this Ordinance.

Section 7. (a) Except as otherwise provided in this Section, the size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of 1) the Springfield Sanitary District, or, 2) the building and plumbing code or other applicable rules and regulations of the Village of Chatham. When no such ordinances, codes, rules or regulations are in effect, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9. and Standard Specifications for Water and Sewer Main Construction in Illinois, shall apply.

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(b) The building sewer shall be a minimum diameter of four (4") inches and constructed of cast iron soil pipe, ASTM specifications (A74-72) or equivalent; vitrified clay improved bell sewer pipe, ASTM specification (C-594-74); Schedule 40 PVC-DWV pipe (ASTM D 2665-74); Schedule 40 ABS-DWV pipe (ASTM D 2661-74); or ABS solid wall (Sidewall Thickness to Diameter Ratio 23.5) (ASTM D 2751-73).

Section 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 9. The connection of the building sewer into the public sewer shall conform to the requirements of 1) the Springfield Sanitary District, or 2) the building and plumbing code or other applicable rules and regulations of the Village of Chatham or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by 1) the Springfield Sanitary District, or 2) the Village of Chatham, before installation. No such connection shall be made except by: a) a person licensed under the provisions of "An Act in relation to the licensing and regulation of plumbers, to repeal a certain Act therein named, and to prescribe penalties for the violation thereof.", approved July 13, 1953, as amended [Ill. Rev. Stat., 1977, Ch. 111, par. 1101 et. seq.], or b) by a person authorized to perform such work by the Springfield Sanitary District.

Section 10. No connection of a building sewer to the public sewer shall be made nor shall any parts of

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the building sewer and its connection to the building drain be covered until inspected for compliance with the provisions of this Ordinance and approved by a duly authorized employee of the Village.

Section 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village of Chatham.

Section 12. For the purposes of this Article:

a) the issuance of any permit or notice, or conduct of any inspection by the Springfield Sanitary District shall be deemed permit or notice, for such purposes as stated therein, or adequate inspection when the requirements, regulations, or ordinances therefor of the Springfield Sanitary District are as restrictive, or more restrictive than the provisions of this Ordinance.

b) Any notice or application required by the Springfield Sanitary District for connection, inspection, service or for any other purpose, shall be provided to the Village within such time as may be required by the Springfield Sanitary District, the provision of such notice or application to the Village within the time specified hereinbefore shall be deemed sufficient notice or application for such purposes as may be required by this Ordinance.

ARTICLE V

Use of the Public Sewers

Section 1. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary or public sewer.

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

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

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

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

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

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

Section 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the discretion of the Village of Chatham that such wastes can harm either

the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance:

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

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

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village of Chatham.

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

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

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

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established

by the Village of Chatham in compliance with applicable State or Federal regulations.

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

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

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

(k) Materials which exert or cause:

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

(ii) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning sulfate);

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

(iv) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

(l) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters; the Village of Chatham will give consideration to such factors as the quantities of subject wastes in relating to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies.

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Section 5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday November 8, 1973 and any amendments thereto, and which in the judgment of the Village of Chatham may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village of Chatham may:

- (a) reject the wastes;
- (b) require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) require control over the quantities and rates of discharge; and/or
- (d) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 11 of this Article.

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

Section 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village of Chatham they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village of Chatham and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 7. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 8. Each industry shall be required to install a control manhole and, when required by the Village of Chatham, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Village of Chatham. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 9. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this ordinance and any special conditions for discharge established by the Village, The Springfield Sanitary District or regulatory agencies having jurisdiction over the discharge.

The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year the owner must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village of Chatham at such time and in such manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village. At such times as deemed necessary, the Village of Chatham reserves the right to take measurements and samples for analysis by an outside laboratory service.

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Section 10. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect effects of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

Section 11. For the purposes of this Article:

a) The issuance of any permit or grant of authorization in the exercise of discretion by the Springfield Sanitary District shall be deemed sufficient permit or authorization for such purposes as stated therein when the requirements, regulations or ordinances of the Springfield Sanitary District are as restrictive or more restrictive than the provisions of this Ordinance for such purposes.

b) Compliance with any testing or inspection requirements imposed by the Springfield Sanitary District pursuant to ordinance or regulation shall be deemed compliance with testing or inspection requirements imposed herein provided that such tests or inspections are conducted at least as frequently as required by this Ordinance.

ARTICLE VI

Protection of Sewage Works from Damage

Section 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be guilty of disorderly conduct, as defined by law.

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ARTICLE VII

Powers and Authority of Inspectors

Section 1. Duly authorized employees of the Village of Chatham, the Springfield Sanitary District, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, are authorized to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Village of Chatham shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment. Prior to the commencement of any inspection by the Village authorized under this Section, the Village shall serve or cause to be served upon the owner and occupant of any parcel of real property subject to the inspection a written notice of inspection which states the date and time the inspection is to occur. For purposes of this Section, service of the written notice of inspection shall be made by mailing a copy of the notice of inspection by certified mail to the owner and occupant or occupants of the real property subject to the inspection. In the event service cannot be perfected upon either the owner or the occupant or occupants of the real property by certified mail, service may be perfected by posting a copy of the notice of inspection in a visible and conspicuous location upon the real property subject to the inspection at least four (4) days prior to the date the inspection is to occur.

Should either the owner or any occupant of the real property subject to the inspection deny access to the parcel of real property to any duly authorized employee of the Village to commit or cause to have committed any acts which either prevent or frustrate an inspection authorized

by this Section, the Village shall be authorized to petition the Circuit Court of Sangamon County, Illinois for an order to conduct an inspection to insure compliance with the terms of this Ordinance.

In conducting an inspection authorized by this Section, Village personnel shall enter only upon that portion of a parcel of real property and its improvements for which access is necessary in order to conduct an inspection to determine compliance with this Ordinance.

Section 2. While engaged in the performance of duties referred to in Article VII, Section 1 above, the duly authorized employees of the Village of Chatham, the Springfield Sanitary District, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the owner. The owner shall be held harmless for injury or death to the Village of Chatham employees and the Village of Chatham shall indemnify the owner against loss or damage to its property by Village of Chatham employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe and accessible conditions.

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

ARTICLE VIII

Penalties

Section 1. (a) Any person violating any provision of this ordinance, except as provided in Article VI, shall

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be served by the Village of Chatham with written notice of the violation either by mailing a copy of the notice to the owner of the real property where the violation occurred, by certified mail or by posting the notice in a visible and conspicuous place upon the real property where the violation occurred.

The notice shall state:

- (1) The nature of the violation;
- (2) The provision or provisions of this Ordinance violated;
- (3) The date the notice was either posted or deposited in the United States mails;
- (4) The requirement that the violation be corrected within the time period prescribed in subparagraph (c) of this Section; and
- (5) The right of the violator to a hearing before the Board of Trustees of the Village in accordance with subparagraph (b) of this Section.

(b) Any person served with a notice of violation may request a hearing before the Board of Trustees of the Village to challenge the violation by serving a written demand for a hearing upon the Clerk of the Village within ten (10) days of the date the notice of violation was either posted or deposited in the United States mails. No later than forty-five (45) days following receipt of demand for a hearing, the Village shall hold a hearing on the violation. Written notice of the time and place of the hearing shall be served by United States mails on the person requesting the hearing.

At the hearing, the person requesting the hearing may present any and all evidence relevant to challenge the violation. The Village shall present any and all evidence in its possession which was the basis for serving the notice of violation.

At the conclusion of the hearing, the Board of Trustees shall either:

- (1) rescind the notice of violation; or
- (2) affirm the violation.

(c) Any person served with a notice of violation of this Ordinance which is not rescinded shall have twenty-one (21) days from the date the notice of violation was served, or, in the event a hearing is held, affirmed by the Board of Trustees to come into compliance with the terms of this Ordinance.

However, in no event shall the provisions of this subparagraph preclude the Village from petitioning the Circuit Court for and obtaining legal or equitable relief against violators of this Ordinance requiring the violators to comply with the provisions of this Ordinance within a time period shorter than that prescribed by this subparagraph when there is a compelling public interest to seek such relief.

(d) Any person who violates any provision of this Ordinance, which violation is not corrected within the period prescribed by subparagraph (c) of this Section, shall be liable to a penalty of not to exceed Five Hundred Dollars (\$500.00) per violation for each day beyond the time period for correction prescribed in subparagraph (c) of this Section in which the violation continues.

(e) The Village may institute and prosecute in its name any suits or other actions necessary or appropriate for the collection of any penalties imposed by this Section, or for legal or equitable relief to prevent the continuance of violations of the provisions of this Ordinance.

Section 2. Any person violating any of the provisions of this ordinance shall become liable to the Village of Chatham by reason of such violation in the amount of such damage as may be incurred to the Village sewage system and the cost of correction thereof in addition to the penalties provided in Article VIII, Section 1, above.

Section 3. In addition to such other remedies available to the Village for violations of this Ordinance,

the Village, upon making a determination that a building sewer is connected to a public sewer in a manner prohibited by the terms of this Ordinance, may take or cause to be taken any steps necessary to either plug or disconnect such a connection without giving notice to either the owner or occupant of the real property affected by the plugging or disconnection if:

(1) A notice of violation was served upon the owner of the real estate in the manner prescribed by this Section and a hearing is not requested by the owner to challenge the notice of violation within the prescribed period of time; or

(2) A compelling public interest exists for making the plug or disconnection.

ARTICLE IX

General Provisions Applicable to Rates and Charges

Section 1. Bills: Rates or charges for service of the sewerage system, as set by Ordinance, shall be payable monthly or quarterly depending on the classification of service for which bills are rendered. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and such service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the Village.

Bills for sewer service shall be sent out by the Village treasurer on the first day of the month or quarter succeeding the period for which the service is billed.

All sewer bills are due and payable ten (10) days after being sent out. A penalty of ten (10) percent shall be added to all bills not paid by the fifteenth (15th) day after they have been rendered.

Section 2. Delinquent bills: If the charges for such services are not paid within thirty (30) days after the rendition of the bill for such services, water service to the premises for which the bill is not paid shall be discontinued after notice as provided in Article IX, Section 3, below and shall not be reinstated until paid in full.

Section 3. Lien-Notice of Delinquency - Termination of Service: When a bill for sewer service remains unpaid for thirty (30) days for monthly service or thirty (30) days for quarterly service after that bill has been rendered:

(a) (1) The Village treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. A copy of such statement of lien claim shall, at the same time, be mailed to the user; and

(2) If the Village treasurer has notice that the user is not the owner of the premises served, a copy of the statement of lien claim shall be mailed to the owner of the premises if his address is then known to the treasurer;

The failure of the Village treasurer 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 bills.

(b) Upon determination that any customer's service is to be discontinued, the Village shall cause to be sent to the customer and owner at the address at which service is provided, notice that water service shall be terminated no sooner than eight (8) days after the date of mailing of such notice; provided, that when the user is a person other than the owner of the premises at which service is provided, a copy of such notice shall also be sent to the owner at his address then known to the Village treasurer. Such notice shall advise:

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(i) of the dollar amount owed and penalty therefor;
(ii) that such charges are delinquent and that payment of such charges on or before the date upon which service may be discontinued will prevent such termination;

(iii) that Village personnel are available at certain hours and places, to be stated on the notice, to discuss the matter prior to the date for termination;

(iv) that upon termination, service will not be resumed until all delinquent charges and penalties are paid in full; and

(v) that upon termination the customer must make a new application for service, pay a deposit therefor, and pay a reconnect service charge.

(c) The notice required by subsection (b) above shall be effective for twenty-one (21) days.

Section 4. Foreclosure of lien: Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs therefore. Such foreclosure shall be by bill-in-equity in the name of the Village of Chatham. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid thirty (30) days after it has been rendered, and may recover such other costs and reasonable attorneys fees as may be incurred by reason of such action as may be allowed by the court.

Section 5. Disputes: (a) Village personnel shall at all reasonable times be available to receive and consider disputes of any customer, owner or user relative to an account for sewer service. Each such customer, owner or user shall be advised of his right to have the dispute reviewed by the Village Board of Trustees if such can not be resolved with Village personnel. If any such dispute is not resolved

with Village personnel, the person making such dispute or claim may request review of the matter, in writing, directed to the Village Clerk. The Village shall not terminate the water service of any person for nonpayment of sewer charges during the pendency of such dispute if:

(i) Notice is given to the Village Clerk as herein provided; and

(ii) Payment of all undisputed portions of the bill is made; and

(iii) All charges made during the pendency of the dispute are paid as due; and

(iv) The person making the complaint or dispute enters into bona fide efforts to resolve the disputed matter with all due dispatch.

Notice of a dispute shall contain the name, address, and telephone number of the person making the complaint or disputing a charge, the address at which sewer service is received which is the subject of the complaint or dispute, the nature of the complaint or dispute, and the specific relief requested.

(b) Upon filing of such notice, the Village Board may hear and determine such dispute at the next ensuing meeting of the Board of Trustees of the Village.

Section 6. Revenues: All revenues and moneys derived from the operation of the sewerage system shall be deposited in the account or accounts established under Ordinance 78-29 of the Village of Chatham. All such revenues and moneys shall be held by the Village treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.

The Village treasurer shall receive all such revenues from the sewerage system and all other funds and moneys

incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated by Village Ordinance. Said treasurer shall administer such fund in every respect in the manner provided by law.

Section 7. Accounts: The Village treasurer shall establish a system of accounts and shall keep books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and the treasurer shall cause an audit to be made by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system. Such audit shall be made by certified public accountants not more than ninety (90) days after the close of such annual fiscal period.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost; compliance with the audit requirements of Ordinance 78-29 of the Village of Chatham shall be deemed compliance with the provisions of this Section.

Section 8. Access to Records: The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

ARTICLE X

Validity

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

Section 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE XI

Ordinance in Force

Section 1. Notice: A copy of this Ordinance properly certified by the Village Clerk, shall be filed in the office of the Recorder of Deeds of Sangamon County and shall be deemed notice to all owners of real estate of the rules and regulations of the sewerage system of said Village.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Passed: April 10, 1979.
Approved: April 10, 1979.
Published: April 20, 1979.

John J. Whitney
President, Village of Chatham

Attest:

Helen Spence
Village Clerk



DOC R. 823132
RECORDED
1979 MAY -7 PM 12:10
Mary Ann Harmon
RECORDER OF DEEDS
SANGAMON COUNTY, ILL.

Mail, Village of Chatham
117 E. Mulberry
Chatham,
Ill.

081836

Attn: Helen Spence



STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

CERTIFICATION OF MINUTES

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois, and that as such official I am the keeper of the records and files of the President and Board of Trustees of said Village.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of said President and Board of Trustees of said Village held on the 10 day of April, 1979, insofar as same relates to the adoption of an ordinance entitled: *Ordinance 79-11,*

An Ordinance regulating the use of Public & Private Sewers and Drains, private sewage disposal, installation and connection of building sewers, the discharge of waters & wastes into the public sewer systems and providing penalties for violation thereof.

a true, correct and complete copy of which said ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the President and Board of Trustees on the adoption of said ordinance were conducted openly; that the vote on the adoption of said ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; that said meeting was called and held in strict compliance with the provisions of "AN ACT in relation to meetings," approved July 11, 1957, as amended, and with the applicable provision of the Illinois Municipal Code, as amended, and that said President and Board of Trustees has complied with all of the applicable provisions of said Act and said Code and with all of the procedural rules of said President and Board of Trustees.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of said Village, this 10 day of April, 1979.



Village Clerk

(SEAL)

MINUTES of a Regular public meeting of
the President and Board of Trustees of the Village
of Chatham, Sangamon County, Illinois, held at
Municipal Building in said Village at
7 o'clock P.M., on the 10 day of
April, 1979.

The meeting was called to order by the President,
and upon the roll being called, John F. Whitney, the President,
and the following Trustees answered present:

Brown, Hill, Kevern and Wessermeyer

and the following Trustees were absent:

none

Trustee Mayor Whitney presented,
and the Village Clerk read in full an ordinance as follows:

Trustee, Keever, moved and Trustee, Brown seconded the motion that said ordinance as presented and read by the Village Clerk be adopted.

After a full discussion thereof, the President directed that the roll be called for a vote upon the motion to adopt said ordinance as read.

Upon the roll being called the following Trustees voted:

AYE: Brown, Hill, Keever & Wisenmeyer

The following Trustees voted NAY:

none

Whereupon the President declared the motion carried and the ordinance adopted, and henceforth did approve and sign the same in open meeting, and did direct the Village Clerk to record the same in the records of the Village of Chatham, Sangamon County, Illinois.

Other business not pertinent to the adoption of said ordinance was duly transacted at said meeting.

Upon the motion duly made, seconded and adopted, the meeting was adjourned.

Aelen S. Spence
Village Clerk