

TITLE 10

SEWER FACILITIES

Chapters:

- 10.01 Rules, Rates and Regulations of Municipal Sewer System
- 10.02 Location of Sewage Treatment Facilities

Chapter 10.01

Rules, Rates and Regulations of Municipal Sewer System

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§10.01.01 Use of Public Sewers Required.

A. Except as otherwise specifically provided in this Chapter of the Village Code, all property owners of property within the Village of Dunlap, Peoria County, Illinois, 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 (or combined) sewer of the Village of Dunlap are required to directly connect any operating human waste disposal systems on their property to available lateral sanitary sewer mains, in such a manner that no sewage is discharged except into said mains, and to connect such facilities directly to the proper public sewer mains in accordance with the provisions of this Chapter of the Village Code within ninety (90) days after the date of official notice to do so, provided that said public sewer main is within 200 feet of the property line of such property.

B. 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 Dunlap or in any area under the jurisdiction of Village of Dunlap, any human or animal excrement, garbage or other objectionable waste.

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

D. 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.

E. The owner of all the houses, building, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village of Dunlap 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 (or combined) sewer of the Village of Dunlap, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within 200 feet of the property line.

F. The discharge of sewage in violation of any of the provisions of this Chapter of the Village Code shall constitute and is hereby declared to constitute a public nuisance.

G. No septic tank or cesspool now existing or hereafter constructed shall be connected in any way, directly or indirectly, to the Village's public combined sewer system.

H. It shall be unlawful to discharge any wastewater, sanitary sewage, or industrial wastes into any storm sewer within the corporate limits of the Village.

I. Should property be annexed into the Village of Dunlap pursuant to the terms and conditions of an annexation agreement between the property owner of such property and the Village, and the annexation agreement specifically addresses whether the property shall connect to the Village's public sanitary sewer system, the provisions of this Section of the Village Code shall not apply to such annexed property during the term of the annexation agreement, except as otherwise specifically provided in such annexation agreement. (Ord. No. 90-4, 12-12-90; Ord. No. 11-8, 12-14-11)

§10.01.02 Private Sewage Disposal. Where a public sanitary (or combined) sewer is not available under the provisions of Section 10.01.01 of the Village Code, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Chapter of the Village Code. (Ord. No. 90-4, 12-12-90; Ord. No. 11-8, 12-14-11)

§10.01.03 Obtaining a Permit for Private Sewage Disposal. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent of Sewers. The application for such permit shall be made on a form furnished by the Village of Dunlap, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent of Sewers. A permit and inspection fee of Two Thousand Five Hundred and no/100 Dollars (\$2,500.00) shall be paid to the Village of Dunlap at the time the application is filed. (Ord. No. 90-4, 12-12-90, as amended by Ord. No 05-03, 7-13-05)

§10.01.04 Inspection of Private Sewage Disposal Systems. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent of Sewers. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent of Sewers when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of written notice by the Superintendent of Sewers. (Ord. No. 90-4, 12-12-90)

§10.01.05 Compliance With Existing Laws and Ordinances. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code

and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that permitted under the applicable ordinances of the County of Peoria, Illinois. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. No. 90-4, 12-12-90)

§10.01.06 Subsequent Availability of Public Sewer. At such time as a public sewer becomes available to a property served by a private sewage disposal system, under the provisions of Section 10.01.01 of the Village Code, a direct connection shall be made to the public sewer in compliance with this Chapter of the Village Code, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. No. 90-4, 12-12-90; Ord. No. 11-8, 12-14-11)

§10.01.07 Maintenance and Operation. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village of Dunlap. (Ord. No. 90-4, 12-12-90)

§10.01.08 Additional Requirements. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the County of Peoria or any of their governmental authority. (Ord. No. 90-4, 12-12-90)

§10.01.09 Disposal of Private System. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. No. 90-4, 12-12-90)

§10.01.10 Building Sewers and Connections. No unauthorized person shall uncover, make any connection with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent of Sewers.

§10.01.11 Unlawful Disposal. 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. (Ord. No. 90-4, 12-12-90)

§10.01.12 Permits.

A. There shall be two (2) classes of building sewer permits: (a) for residential, wastewater service, and (b) for commercial, institutional/governmental or industrial wastewater service. In either case the owner or his agent shall make application on a special form furnished by the Village of Dunlap.

B. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Village of Dunlap. A permit and inspection fee of Five Thousand Five Hundred Dollars (\$5,500.00) for a residential or commercial building sewer permit shall be paid to the Village of Dunlap at the time the application is filed. The applicant, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

C. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that 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.

(Ord. No. 90-4, 12-12-90, as amended by Ord. No. 05-03, 7-13-05; Ord. No. 09-6, 6-10-09 §7)

§10.01.13 Installation Costs and Loss or Damage Indemnification. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village of Dunlap from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. No. 90-4, 12-12-90)

§10.01.14 Separate and Independent Building Sewers. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. No. 90-4, 12-12-90)

§10.01.15 Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent of Sewers, to meet all requirements of this ordinance. (Ord. No. 90-4, 12-12-90)

§10.01.16 Construction of Building Sewers.

A. The size, slope, alignment, material 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 the building and plumbing code or other applicable rules and regulations of the Village of Dunlap. In the absence of code provisions or in amplification thereof, 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 Specification for Water and Sewer Main Construction in Illinois shall apply.

B. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Section 10.01.11, and discharged to the building sewer.

(Ord. No. 90-4, 12-12-90)

§10.01.17 Connection of Building Sewer into Public Sewer.

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

B. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village of Dunlap, 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 connection shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent of Sewers before installation. (Ord. No. 90-4, 12-12-90)

§10.01.18 Requests for Inspection. The applicant for the building sewer permit shall notify the Superintendent of Sewers when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent of Sewers or his representative. (Ord. No. 90-4, 12-12-90)

§10.01.19 Excavation Procedures. 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 Dunlap. (Ord. No. 90-4, 12-12-90)

§10.01.20 License Requirement. Before engaging in the construction or repair of any sewer, house sanitary connection or storm drain which is to be connected to or become part of the Village Sewer System any person shall make application to the Superintendent of Sewers for a license so to do. The applicant will be required to enter into a general bond in the penal sum of not less than Fifty Thousand Dollars (\$50,000.00) with sufficient surety to be approved by the Village and conditioned upon saving the Village harmless of and from any expense arising out of injury to persons or property by reason of or resulting directly or indirectly from the construction, alteration, maintenance or repair by such person of any sewer, sanitary connection or storm drain or any work or act of omission or commission incidental thereto, or in connection therewith. Said bond shall be

further conditioned upon the compliance by such applicant with all applicable ordinances of the Village and conditioned also upon the restoration by such applicant of any street, alley, sidewalk, and pavement disturbed by him, so as to leave the same in as good condition as before the work was undertaken, during the period to be covered by such license. Said applicant shall also furnish evidence of public liability and Workmen's Compensation Insurance in amounts and companies satisfactory to the Village. Upon approval of said bond and evidence of insurance by the Village Board, the Superintendent of Sewers shall forthwith issue to such applicant, a license to engage in the construction or repair of sewers, sanitary connections and storm drains for one year from the date of the issuance of such license. Each license shall be for one year only and shall coincide with the fiscal year of the Village which commences May 1 and ends April 30. A fee of Fifty Dollars (\$50.00) per year, payable in advance, shall be paid for each such license and proper proration shall be made for any portion of a year's license in case it is taken out after May 1. Nothing contained in this Section shall be construed as preventing an individual from constructing a sewer, house connection or storm drain for his own home or on his own premises so long as he complies with the other terms of this ordinance. (Ord. No. 90-4, 12-12-90)

§10.01.21 Forfeiture of Permit or License. If any person to whom a permit or license shall have been issued shall neglect, refuse or fail to make good any defect or fault in any of the work done, or shall persist in the violation of any term of this ordinance for thirty (30) days after written notice thereof from the Superintendent of Sewers then his permit or license shall be suspended and he shall not be permitted to do any further or additional work of constructing any sewer, connection or drain or appurtenances, until such defects or violations have been corrected in a manner satisfactory to the Superintendent of Sewers. (Ord. No. 90-4, 12-12-90)

§10.01.22 Expiration of Permit. If the work is not commenced under any permit within six (6) months after the issuance of said permit, or if the work is not satisfactorily prosecuted after its commencement, such permit will be considered as having expired and shall be null and void. (Ord. No. 90-4, 12-12-90)

§10.01.23 Nonliability of Village. All connections to the use of the municipal sewer shall be upon the express condition that the Village of Dunlap shall not be liable nor shall any claim be made against it for damages or injury caused by breaking of any pipe, conduit, fitting, apparatus or appurtenance connected with the municipal sewer system or any part thereof nor for any interruption of service by reason of breakage, stoppage, alterations, extensions or renewals. (Ord. No. 90-4, 12-12-90)

§10.01.24 Use of the Public Sewers - Nondischargeable Water. No person shall discharge, or cause to be discharged, any stormwater, surface water, ground water roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer. (Ord. No. 90-4, 12-12-90)

§10.01.25 Discharge to Combine Sewers, Storm Sewers, or Natural Outlets.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent of Sewers. (Ord. No. 90-4, 12-12-90; Ord. 13-16, 10-9-13)

§10.01.26 Discharge of Harmful Wastes.

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

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) 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.
- (3) 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 sewage works.
- (4) 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, mills containers, etc., either whole or ground by garbage grinders.

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

- (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150 F), (65 C).
- (2) Any wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150 F), (0 and 65 C).
- (3) 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 Superintendent of Sewers.
- (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, 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 Superintendent of Sewers for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent of Sewers 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.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent of Sewers in compliance with the applicable State or Federal regulations.
- (8) Any wastes or waters having a pH in excess of 9.5.
- (9) Any mercury or any of its compounds in excess of 0.0005 mg/1 as Hg at any time except as permitted by the Superintendent of Sewers in compliance with applicable State and Federal regulations.
- (10) Any cyanide in excess of 0.1 mg/1 at any time except as permitted by the Superintendent of Sewers in compliance with applicable State and Federal regulations.
- (11) Materials which exert or cause:

- a. unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime, slurries, and lime residues) or of dissolve solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - b. excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - c. unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - d. unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.
- (12) 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.

C. 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 Subsection B of this section, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Superintendent of Sewers 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 Superintendent of Sewers may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 10.01.39 herein. If the Superintendent of Sewers 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 Superintendent of Sewers, and subject to the requirements of all applicable codes, ordinances and laws.

(Ord. 90-4, 12-12-90)

§10.01.27 Grease, Oil and Sand Interceptors. Grease, oil and sand interceptors shall be provided at owner's expense when, in the opinion of the Superintendent of Sewers they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent of Sewers, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. No. 90-4, 12-12-90)

§10.01.28 Preliminary Treatment and Flow Equalizing Facilities. 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. (Ord. No. 90-4, 12-12-90)

§10.01.29 Control Manholes. Each industry shall be required to install a control manhole and, when required by the Superintendent of Sewers, the owner of any property serviced by 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 wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent of Sewers. 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. (Ord. No. 90-4, 12-12-90)

§10.01.30 Laboratory Measurements, Tests and Analyses.

A. 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 of Dunlap or regulatory agencies having jurisdiction of the discharge.

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

C. 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 IEPA Division of Laboratories Manual of Laboratory Methods, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

(Ord. No. 90-4, 12-12-90)

§10.01.31 Special Agreements. No statement contained in the foregoing Sections 10.01.24 through 10.01.30 shall be construed as preventing any special agreement or arrangement between the Village of Dunlap and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village of Dunlap for treatment, subject to payment therefore, in accordance with Section 10.01.49, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System. (Ord. No. 90-4, 12-12-90)

§10.01.32 Protection of Sewage Works from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. No. 90-4, 12-12-90)

§10.01.33 Powers and Authority of Inspectors.

A. The Superintendent of Sewers and other duly authorized employees of the Village of Dunlap, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection observation, measurement, sampling, and testing in accordance with the provision of this ordinance.

The Superintendent of Sewers or his representative 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.

B. While performing the necessary work on private properties referred to in Subsection A above, the Superintendent of Sewers or duly authorized employees of the Village of Dunlap, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village of Dunlap employees and the Village of Dunlap shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operating, except as such may be caused by negligence or failure of the company to maintain conditions as required in Section 10.01.30, Subsection A..

C. The Superintendent of Sewers and other duly authorized employees of the Village of Dunlap bearing proper credentials and identification shall be permitted to enter all private properties through which the Village of Dunlap hold 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.

(Ord. No. 90-4, 12-12-90)

§10.01.34 Penalties.

A. Any person found to be violating any provision of this ordinance, except Section 10.01.32, shall be served by the Village of Dunlap with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

The Village of Dunlap may revoke any permit for sewage disposal as a result of any violation of any provision of this Chapter of the Village Code.

B. Any person who shall continue any violation beyond the time limit provided in the written notice issued under Subsection A, shall be fined in an amount not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each violation. Each day in which any such violation occurs shall be deemed a separate offense.

C. Any person violating any of the provisions of this ordinance shall become liable to the Village of Dunlap by reason of such violation.

(Ord. No. 90-4, 12-12-90; Ord. No. 09-3, 6-10-09 §29; Ord. No. 15-12, 09-09-15, §2)

§10.01.35 Volume of Waste Discharged. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 1,000 gallons.

- (1) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks system, all or part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Superintendent of Sewers for the purpose of determining the volume of water obtained from these other sources.
- (2) Devices for measuring the volume of waste discharged may be required by the Superintendent of Sewers if these volumes cannot otherwise be determined from the metered water consumption records.
- (3) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the Superintendent of Sewers.

(Ord. No. 90-4, 12-12-90; Ord. No. 15-12, 09-09-15, §4)

§10.01.36 Sewer Rate Schedule. Rates for processing sewage in the Village's sewerage system (based on water usage) shall be charged as follows:

EFFECTIVE OCTOBER 1, 2015 – SEPTEMBER 30, 2016:

The minimum monthly charge of Twenty-Six Dollars (\$26.00) shall be payable by all users whose water consumption does not exceed 3,000 gallons per month.

The monthly charge will be computed on the following rate schedule:

First 3,000 gallons per month (minimum)	\$ 26.00
Between 3,000 to 5,000 gallons per month	\$ 2.00 per 1000 gallons
Between 5,000 to 100,000 gallons per month	\$ 1.00 per 1000 gallons
All over 100,000 gallons per month	\$ 2.00 per 1000 gallons

EFFECTIVE OCTOBER 1, 2016 – SEPTEMBER 30, 2017:

The minimum monthly charge of Twenty-Nine Dollars (\$29.00) shall be payable by all users whose water consumption does not exceed 3,000 gallons per month.

The monthly charge will be computed on the following rate schedule:

First 3,000 gallons per month (minimum)	\$ 29.00
Between 3,000 to 5,000 gallons per month	\$ 2.00 per 1000 gallons
Between 5,000 to 100,000 gallons per month	\$ 1.00 per 1000 gallons
All over 100,000 gallons per month	\$ 2.50 per 1000 gallons

EFFECTIVE OCTOBER 1, 2017:

The minimum monthly charge of Thirty-Two Dollars (\$32.00) shall be payable by all users whose water consumption does not exceed 3,000 gallons per month.

The monthly charge will be computed on the following rate schedule:

First 3,000 gallons per month (minimum)	\$ 32.00
Between 3,000 to 5,000 gallons per month	\$ 2.00 per 1000 gallons
Between 5,000 to 100,000 gallons per month	\$ 1.00 per 1000 gallons
All over 100,000 gallons per month	\$ 3.00 per 1000 Gallons

(Ord. No. 15-12, 09-09-15, §5)

§10.01.37 Liability to Pay For Service.

A. Said rates or charges for service shall be payable monthly or quarterly depending on the classification of service for which bills are rendered. The owner of the premises (including the owners of beneficial interests of a land trust), the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village of Dunlap only upon the condition that the owner of the premises, (including the owners of beneficial interests of a land trust), occupant and user of the services are jointly and severally liable therefor to

the Village of Dunlap. The owner of the premises (including the owners of beneficial interests of a land trust), occupant and user of the services shall also be jointly and severally liable for all attorneys' fees, court costs and other expenses incurred by the Village of Dunlap in collecting amounts due under the Ordinance.

B. Bills for sewer service shall be sent out by the Village of Dunlap Treasurer during the month succeeding the period for which the service is billed.

C. All sewer bills are due and payable 15 days after being sent out. A penalty of five percent (5%) per month shall be added to all bills not paid by the 30th day after they have been rendered.

(Ord. No. 90-4, 12-12-90; Ord. No. 15-12, 09-09-15, §4)

§10.01.38 Discontinuation of Service for Nonpayment. If the charges for such services are not paid within 30 days after the rendition of the bill for such services, such services may be discontinued without further notice and shall not be reinstated until all charges and claims, including the costs of terminating and restoring service, are paid in full. (Ord. No. 90-4, 12-12-90; Ord. No. 15-12, 09-09-15, §4)

§10.01.39 Notice of Lien Claim for Unpaid Bills.

A. Whenever a bill for sewer service remains unpaid for 30 days after it has been rendered, the Village of Dunlap Clerk shall file with the County Recorder of Deeds a Notice of Lien Claim. This Notice shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village of Dunlap claims a lien for this amount, as well as for all charges subsequent to the period covered by the bill.

B. If the user whose bill is unpaid is not the owner of the premises and the Village of Dunlap Clerk has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Clerk, whenever such bill remains unpaid for the period of thirty (30) days after it has been rendered.

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

(Ord. No. 90-4, 12-12-90; Ord. No. 15-12, 09-09-15, §4)

§10.01.40 Sale of Property Subject to Lien. Property subject to lien for unpaid charges may be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the Village of Dunlap. The Village of Dunlap attorney is hereby authorized and directed to institute such

proceedings in the name of the Village of Dunlap in any court having jurisdiction over such matters against any property for which the bill has remained unpaid for thirty (30) days after it has been rendered. (Ord. No. 90-4, 12-12-90; Ord. No. 15-12, 09-09-15, §4)

§10.01.41 Powers and Duties of Superintendent of Sewers.

A. The Superintendent of Sewers is hereby authorized and directed to:

- (1) Examine and approve plans and specifications for sewer construction work;
- (2) Issue permits for such work upon compliance by the applicant with the provisions of this Ordinance;
- (3) Collect fees as provided herein and deliver the same promptly to the Village Treasurer;
- (4) Inspect sewers, including house sanitary connections and house storm drains, and the materials to be used therein;
- (5) Conduct tests of sewers;
- (6) Issue certificates of approval;
- (7) Keep records of actions taken, and examinations, inspections and tests made, and of permits and certificates issued;
- (8) Make a monthly report of his acts and doings to the Village Board;
- (9) Advise the public, when requested, in the matter of the regulations relating to the sewerage system; and
- (10) Arrest and prosecute any one who violates the provisions of this Ordinance.

B. The Superintendent of Sewers shall receive such salary as shall be determined from time to time by the President and Board of Trustees of the Village.

C. The Superintendent of Sewers shall file a bond in such penal sum and with sureties thereon as shall be required and approved by the President and Board of Trustees of the Village.

(Ord. No. 90-4, 12-12-90; Ord. No. 15-12, 09-09-15, §4)

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

A. Federal Government.

"Federal Act" means the Federal Clean Water Act (33 U.S.C. 466 et seq.) as amended, (Pub. L. 95-217)

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

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

B. State Government.

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

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

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

C. Local Government.

"Ordinance" means this ordinance.

"Village" means the Village of Dunlap.

"Approving Authority" means the Superintendent of Sewers.

D. "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.

E. "NPDES Permit" means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

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

G. Wastewater and its Characteristics:

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

"Sewage" is used interchangeably with "wastewater".

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

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

"Unpolluted Water" is water 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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

"ppm" shall mean parts per million by weight.

"Milligrams per Liter" shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

"Suspended Solids" (SS) 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 the IEPA Division of Laboratories Manual of Laboratory Methods.

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

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

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

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles

will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

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

"Population Equivalent" is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing .17 pounds of BOD and .20 pounds of suspended solids.

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

"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 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic 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 the treatment works or upon the quality of effluent from that treatment works.

H. Sewer types, and appurtenances.

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

"Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the Village of Dunlap. It shall also include sewers within or outside the Village of Dunlap boundaries that serve one or more persons and ultimately discharge into the Village of Dunlap sanitary (or combined sewer system), even though those sewers may not have been constructed with Village of Dunlap 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 polluted industrial wastes are not intentionally admitted.

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

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

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

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

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

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

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

I. Treatment.

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

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

J. "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.

K. 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.

L. User types.

"User Class" shall mean the type of user "residential, institutional/governmental, commercial", "industrial" as defined herein.

"Residential User" shall mean all dwelling units such as houses, mobile homes, apartments, permanent multi-family dwellings.

"Commercial User" shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

"Institutional/Governmental User" shall include schools, churches, penal institutions, and users associated with Federal, State and local governments.

"Industrial Users" shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

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

M. Types of Charges.

"Wastewater Service Charge" shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Section 10.01.49 and shall consist of the total of the Basic User Charge, the Local Capital costs and a Surcharge, if applicable.

"User Charge" shall mean a charge levied on users of treatment works for the cost of operation, maintenance and replacement. "Basic User Charge" shall mean the basic assessment levied on all users of the public sewer system.

"Debt Service Charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

"Capital Improvement Cost Charge" shall mean a charge levied on users to improve, extend or reconstruct the sewage treatment works.

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

"Surcharge" shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Section 10.01.39.

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

"Use Useful Life" shall mean the estimated period during which the collection system and/or treatment works will be operated.

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

(Ord. No. 90-4, 12-12-90; Ord. No. 15-12, 09-09-15, §4)

§10.01.43 Validity. 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. (Ord. No. 90-4, 12-12-90; Ord. No. 15-12, 09-09-15, §4)

Chapter 10.02

Location of Sewage Treatment Facilities

Sections:

- 10.02.01 Site for Sewage Treatment Facilities
- 10.02.02 Authority of Village to Install and Maintain Sewer Lines in Public Ways

§10.02.01 Site for Sewage Treatment Facilities. The following described real estate which is owned by the Village of Dunlap, to-wit:

Part of the Southeast Quarter of Section 11, Township 10 North, Range 7 East of the Fourth Principal Meridian, more particularly bounded and described as follows, to-wit; Beginning at the center of said Section 11 and running thence South 88° 10' East along the East and West quarter section line a distance of 1393 feet; thence South 1° 30' East a distance of 500.9 feet; thence Westerly and parallel with the East and West Quarter section line to a point 20.3 feet distant from the North and South quarter section line; thence Southerly and parallel with the North and South quarter section line to the South line of said Section 11; thence Westerly along said South line 20.3 feet to the North and South quarter section line; thence Northerly long said North and South quarter section line to the point of beginning, containing 17 acres, more or less, and subject to public highway; situate, lying and being in the County of Peoria and State of Illinois,

shall be immediately and henceforth devoted to use as a site for sewage treatment facilities. (Ord. No. 70-3, 6-29-70)

§10.02.02 Authority of Village to Install and Maintain Sewer Lines in Public Ways. It shall be lawful and said Village of Dunlap is hereby authorized and granted the right to construct, reconstruct, repair, maintain and operate a pipe line or lines for the passage of sewage or water along with the necessary manholes and connections thereto in, under and along any of the streets, alleys or other public ways of said Village as the same shall be reasonably necessary for the proper construction and operation of a municipal sanitary sewer system, all to be in accordance with the rules, regulations and ordinances of this Village from time to time in force. (Ord. No. 70-3, 6-29-70)