



VILLAGE OF MONTGOMERY

ORDINANCE NO.2119

**AN ORDINANCE AMENDING CHAPTERS 1 (GENERAL PROVISIONS), 2 (ADMINISTRATION), AND 20
(WATER AND SEWER) OF THE VILLAGE OF MONTGOMERY**

CODE OF ORDINANCES

(VILLAGE SERVICE ACCOUNTS)

VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
THIS 10TH DAY OF MARCH, 2025.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES,
ILLINOIS, THIS 10TH DAY OF MARCH, 2025.

ORDINANCE NO. 2119

AN ORDINANCE AMENDING CHAPTERS 1 (GENERAL PROVISIONS), 2 (ADMINISTRATION), AND 20
(WATER AND SEWER) OF THE VILLAGE OF MONTGOMERY

CODE OF ORDINANCES
(VILLAGE SERVICE ACCOUNTS)
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS

BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

WHEREAS, the Village of Montgomery, ("Village") is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution, and accordingly, acts pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the Illinois Municipal Code provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper (65 ILCS 5/1-2-1); and,

WHEREAS, the Village has adopted the Village of Montgomery Code of Ordinances ("Village Code") which contains certain policies regarding Village service accounts; and,

WHEREAS, the Village finds that having such policies in place is necessary to preserve its ability to provide Village services; and,

WHEREAS, the Village finds that it is necessary and appropriate and in the best interest of the Village and its residents to amend said policies and provisions from time to time.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

SECTION ONE: AMENDMENT TO VILLAGE CODE

That the Village of Montgomery Code of Ordinances shall be amended as follows:

CHAPTER 1 AMENDMENTS

Section 1-12 (Building and Development Fees) shall be amended to add a new subsection (b)(10), which shall read as follows:

(b)(10) *Online Application Fee.* A fee equal to the fee applied to the Village shall be applied to any permit request submitted online.

All other provisions of Section 1-12 not specifically amended herein shall remain in full force and effect.

CHAPTER 2 AMENDMENTS

Section 2-10 (Village Service Accounts) shall be amended to add a new subsection (e), which shall read as follows:

(e) The owner and occupant of any premises shall be jointly and severally liable to pay for the services provided on said premises, as reflected in the Village Service Account, and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant, and user of the service, are jointly and severally liable therefor to the Village. Accordingly, owners who lease/rent their property shall be jointly and severally responsible for paying any outstanding balance due and owed for a Village Service Account in the event that an occupant/user fails to pay.

(f) In the event of a payment returned for any reason, the Village will charge \$25.00. If three payments are returned within a one-year period, the Village may not accept checks as payment of water rents or rates.

All other provisions of Section 2-10 not specifically amended herein shall remain in full force and effect.

CHAPTER 20 AMENDMENTS

Chapter 20 of the Village of Montgomery Code of Ordinances, attached hereto and made a part hereof as Exhibit A, is hereby amended to read as shown. All other provisions of Chapter 20 not amended on said Exhibit A shall remain in full force and effect.

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction; the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect March 10, 2025.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois this 10th day of March, 2025.



Matthew Brolley

President of the Board of Trustees of the Village of Montgomery

ATTEST:



Debbie Buchanan,

Village Clerk of the Village of Montgomery



	Aye	Nay	Absent	Abstain
Trustee Matt Bauman	—	—	✓	—
Trustee Ben Brzoska	✓	—	—	—
Trustee Dan Gier	✓	—	—	—
Trustee Steve Jungermann	✓	—	—	—
Trustee Doug Marecek	✓	—	—	—
Trustee Theresa Sperling	✓	—	—	—
Village President Matthew Brolley	<u>No Vote Cast.</u>			

EXHIBIT A

ARTICLE I. -IN GENERAL

Chapter 20 WATER AND SEWERS¹

Sec. 20-1. System; jurisdiction of Village.

The system of water supply and distribution and waterworks heretofore established, built, and constructed by the Village is hereby continued as its property under its control, jurisdiction and management. Said system and waterworks shall at all times be maintained, repaired, enlarged, controlled, and extended under the authority and ownership of the Village.

Sec. 20-2. Private supply prohibited if Village supply available.

No water pumps, controls, valves, piping, connections, and appurtenances necessary and incident to the constructing of a waterworks system or supplying water to any person, firm or corporation within the limits of the Village shall be laid in, upon, under, across, or over any streets in the Village or any private property within the Village by any authority other than the Village, unless the Village is unable to supply water service.

Sec. 20-3. Private supply when Village unable to furnish water.

In the event the Village is unable to supply water to any person, firm, or corporation within the corporate limits of the Village said water may be supplied by any municipal corporation or private person after application to supply said service has been filed with the Village Clerk and a resolution or ordinance is duly passed by the Village President and Board of Trustees authorizing the supplying of said water within the corporate limits of the Village.

Sec. 20-4. Service outside Village authorized.

The Village shall have power to furnish water service to a person outside the corporate limits of the Village at such rates for service and in such manner as the Village in its discretion may consider proper under the circumstances. The Village may cause water service so furnished to be discontinued at any time such cessation of service is deemed advisable.

Sec. 20-5. Discharge of pollutants into stormwater drainage system prohibited, penalty.

(a) It shall be unlawful for any person, firm, or corporation to connect or cause to be connected any drain carrying, or to carry any toilet, sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances, to any stormwater drainage system within the Village limits constructed as part of this improvement.

¹Editor's note(s)—Ord. No. 1964, § 1(Exh. A), adopted April 25, 2022, amended Ch. 20 in its entirety, in effect, repealing §§ 20-1–20-6, 20-16–20-19, 20-22, 20-23, 20-31–20-58.5, 20-60–20-66, and enacting similar new provisions in lieu thereof to read as herein set out. Formerly Ch. 20 derived from Ord. No. 1723, § 1(Exh. A), adopted March 28, 2016. See the Code Comparative Table for a complete derivation.

Cross reference(s)—Board of local improvements, § 2-3; superintendent of public works, § 2-76 et seq.; office of water department superintendent discontinued, § 2-80; water department employees to report to superintendent of public works, § 2-81; plumbing regulations, Ch. 15; permits for water connections, § 15-8; materials for water service, § 15-70; wells and water supplies, § 15-118 et seq.

- (b) It shall be unlawful for any person, firm, or corporation to discharge any polluting substances directly into any stormwater drainage system or appurtenances within the Village limits.
- (c) Any person, firm, or corporation violating this section shall be fined not less than \$75.00 nor more than \$750.00 for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

Sec. 20-6. Infiltration and inflow into sanitary sewer system; control; violations; penalties.

- (a) *Definitions.* The following words and phrases when used in this section shall, for the purposes of this section, have the following meanings unless the context clearly indicates or requires a different meaning:
 - (1) *Infiltration* shall mean the water entering a sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.
 - (2) *Infiltration/inflow* shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
 - (3) *Inflow* shall mean the water discharged into a sewer system and service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole lids, cross connections from storm sewers and combined sewers, catch basins, stormwater, surface runoff, street wash waters, or drainage. Inflow does not include and is distinguished from infiltration.
 - (4) *Sanitary sewer* shall mean a sewer that is designed to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.
 - (5) *Storm sewer* shall mean a sewer for conveying water, groundwater, or unpolluted water from any source (sometimes called "storm drain").
- (b) *Control of storm runoff.*
 - (1) *Discharges prohibited.* No person, firm, or corporation 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 sewer. All new sewer construction shall provide two separate and distinct sewer systems, one for the collection of stormwater, and the other for the collection of sanitary wastes.
 - (2) *Special provisions.*
 - a. *Downspouts.* All downspouts or roof drains shall discharge onto the ground, or be connected to storm sewers, and shall not be directed toward adjoining property. No downspouts or roof drains shall be connected to the sanitary sewers.
 - b. *Footing drains.* No footing drains or drainage tile shall be connected to the sanitary sewers.
 - c. *Sump pumps.* Sump pumps installed to receive and discharge groundwater or other stormwater shall be connected to a storm sewer. When storm sewer is not available (as determined by Village staff) to the property, the discharge may be directed to the ground and shall not be directed toward the adjoining property. Discharges to the ground shall not cause erosion.
 - d. *Window well and areaway drains.* No window well or areaway drain shall be connected to the sanitary sewer.
- (c) *Violations; fines and penalties.*

(1) Any violation of any of the terms and provisions of this section is hereby declared to be a public nuisance and shall be penalized as provided in section 1-8 of the Village Code of Ordinances.

Secs. 20-7—20-15. Reserved.

ARTICLE II. WATER DIVISION

Sec. 20-16. Created; duties of division.

There shall be a Water and Sewer Division in the Public Works Department of the Village. Such division shall be responsible for the operation, regulation, and maintenance of water service in the Village and for the improvement and extension of such water service. The Public Works Department is also responsible for monitoring leakage and to implement corrective measures of all water storage, transmission, and distribution systems. The Director of Public Works or their designee shall cause to be repaired all breakdowns in the water treatment facilities and all breaks or leaks in the water system of the Village. When breaks or leaks cannot be readily repaired by employees of the Public Works Department, the Director of Public Works or their designee shall contract with an approved vendor for the necessary repairs to be made.

Sec. 20-17. Purchases.

All purchases shall be governed by the Village purchasing policy.

Sec. 20-18. Handling of revenues; Finance Department.

All revenues derived from the sale of water as provided in section 20-50 hereof, and all money due under the remainder of chapter 20 shall be paid to Finance Department.

Sec. 20-19. Water Fund.

The Director of Finance shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water system, and at regular annual intervals shall cause to be made an audit by an independent audit firm concerning the books to show the receipts and disbursements of the water system. In addition to the customary operating statements, the annual audit report shall reflect the revenues and operating expenses of the water facilities, including depreciation of capital assets. The financial information to be shown in the audit report shall include the following:

- (1) Flow data showing total gallons received at the water plant for the current fiscal year;
- (2) Billing data to show total number of gallons billed per fiscal year; and
- (3) Number of users connected to the system;

Secs. 20-20, 20-21. Reserved.

Sec. 20-22. Records of owners, consumers.

Proper records and accounts of each owner and consumer shall be made in and kept by Finance Department.

Sec. 20-23. Audit.

The Illinois Environmental Protection Agency (IEPA), or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system or user charges or rates

for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of any loan agreement and rules with the IEPA or any state loan.

Secs. 20-24—20-30. Reserved.

ARTICLE III. WATER SERVICE REGULATIONS

DIVISION 1. GENERALLY

Sec. 20-31. Applications for service.

All applications for water service shall be made by the owner of the property for which such service is desired, or by their agent, upon forms furnished by the Building Department. Fees for water connection shall be determined and set forth from time to time by resolution of the Village President and Board of Trustees and shall be paid when the application is filed.

Sec. 20-32. Tapping fees.

- (a) All tapping fees set forth in this Section 20-32 shall be adjusted annually based on the latest Engineering News Record Construction Cost Index ("CCI").
- (b) *Residential tapping fees.* Before attaching to the public water mains of the Village for any residential property, a per population equivalent (PE) fee of , as may be amended from time to time, \$1,453.00 per PE must be paid by the owner or their agent. All fees are paid by population equivalent rather than by structure and shall be paid in accordance with the following schedule for residential properties (e.g., a single family home shall pay a tap on fee of 3.5 PE times \$1,453.00/PE for a total tap on fee of \$5,086.00). Taps for fire suppression systems will be one-half the regular tapping fee amount.

Size of Residence	Population Equivalent
Efficiency or studio apartment	1 population equivalent
1 bedroom apartment/condo	1.5 population equivalent
2 bedroom apartment/condo	3 population equivalent
3 bedroom apartment/condo	3 population equivalent
Townhome	3 population equivalent
Duplex	3 population equivalent
Single family home	3.5 population equivalent

- (c) *Commercial tapping fees.* Before attaching to the public water mains of the Village for commercial uses, the following fees must be paid by the owner or their agent.

A tapping fee must be paid by all persons attaching to the public water system according to the following schedule:

Commercial Water Service Tapping Fees (Size and Type)

Service Size	Service Type	
Diameter of Water Service Pipe (inches)	Domestic Service Tapping Fee	Fire Suppression Service Tapping Fee (½ regular tapping fee)
1"	\$2,000.00	NIA
1.5"	\$2,250.00	NIA
2"	\$3,500.00	\$1,750.00
3"	\$7,500.00	\$3,750.00
4"	\$13,000.00	\$6,500.00
5"	\$15,750.00	\$7,875.00
6"	\$18,500.00	\$9,250.00
7"	\$34,250.00	\$17,125.00
8"	\$51,000.00	\$25,500.00

Multiunit buildings with more than one business unit per service pipe shall pay the tapping fee plus a tapping excess fee of \$25.00 per unit in excess of one unit.

Hotel and motel buildings shall pay a tapping fee of \$1,453.00 per population equivalent (PE). Population equivalent determination for the building shall be submitted to the building department at permit for approval and shall be calculated in accordance with the latest requirements of the Illinois Environmental Protection Agency (IEPA), the state plumbing code and the Village's building code. Taps for fire suppression systems for a hotel or motel building must be paid according to the industrial schedule below.

(d) *Industrial tapping fees.* Before attaching to the public water mains of the Village for any industrial property, a per population equivalent (PE) fee of \$1,453.00 per PE must be paid by the owner or their agent. All fees are paid by population equivalent rather than by structure. The owner or agent shall submit their determination of PE for the building to the building department at permit for approval. PE shall be calculated in accordance with the latest requirements of the IEPA, state plumbing code, and the Village's building code.

Taps for fire suppression systems will be paid according to the following schedule:

Industrial Fire Suppression Service Tapping Fees (Size and Type)	
Diameter of Water Service Pipe (inches)	Fire Fee
1"	N/A
1.5"	N/A
2"	\$1,750.00
3"	\$3,750.00
4"	\$6,500.00
5"	\$7,875.00

6"	\$9,250.00
7"	\$17,125.00
8"	\$25,500.00

(e) All new construction of commercial and industrial buildings and multiple unit dwellings will be required to install an exterior entrance door to the building utility room for the purposes of water meter maintenance and disconnection/reconnection of service. The owner/tenant will be billed for a lock box at time of building permit issuance and will be required to install the lock box and provide a key to the entrance door before the issuance of a certificate of occupancy.

Sec. 20-32.1. Off-site improvements.

If it is determined that any existing infrastructure, including but not limited to water distribution systems, wastewater collection or treatment systems, storm sewers or other stormwater management facilities, and street improvements, which may be situated either in part or entirely off-site, is inadequate to facilitate a proposed subdivision or development when 100 percent built-out, then improvements to any one or all of such facilities may be required, at such times during the construction of said subdivision or development as the Village deems appropriate.

Sec. 20-33. Who may make taps and connections.

No taps or connections to the main shall be made by anyone except an authorized and licensed contractor of the Village of Montgomery, or upon authorization of the Director of Public works or their designee. Valves may only be operated by the Director of Public works or their designee.

Sec. 20-34. Work to be done in accordance with certain specifications; inspection and approval required.

All materials, work, method of installation and location of service connections shall be done in accordance with all local, state, and any other laws or ordinances that apply, and in addition, shall be done in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois," latest edition as published by the Associated General Contractors of Illinois. All work shall be inspected by the Village Engineer or their designee. Approval of the site location shall be made by the Village Engineer or their designee and evidence of approval must be on file with the Public Works Department. Taps must be observed by the Director of Public Works or their designee.

Sec. 20-35. Existing nonconforming services.

Owners of premises having water services which do not have separate curb shut-off valves and boxes for each metered habitation or place of business, or which otherwise do not conform to the requirements of this article at the time of its effectiveness pursuant to law, shall be required to put in such curb shut-off valves or to make such other changes as are necessary to bring such water services into conformity with these requirements when so instructed by the Public Works Department of this Village.

(a) Each new metered account (excluding fire and irrigation lines) shall be separately tapped on the public water main, have a separate service line and curb shut-off valve and a separate water meter of an approved type. If this is not practical or feasible, as determined by the Director of Public Works or their designee, the following option may be utilized:

(1) Install a remote water meter, that is approved by the Village, for each unit in a residential or commercial building and compatible with the Village's outside remote reader. This will allow the Village to shutoff individual meters within a specific unit, without having to terminate water service to the entire building.

- a. The rate for the remote meter and outside reader shall be the current amount charged by the Village.
- b. The cost of the meter, including outside reader per unit as well as installation costs will be the sole responsibility of the owner/landlord.
- c. The remote meter and outside reader shall be provided by the Village after all fees have been paid in full.

(2) Multi-unit commercial connections must:

- a. Allow for external access from the outside of the building to meter(s).
- b. A lock box fee to furnish access will be required.

Sec. 20-36. Reserved.

Sec. 20-37. Certain terms defined; responsibility of the Village and owners of water distribution system, service line and connection.

- (a) Definitions. For the purposes of this section and section 20-44 this section, the following words and phrases when used in these sections shall, for the purposes of these sections, have the following meanings unless the context clearly indicates or requires a different meaning:
 - (1) *Water distribution system* shall mean that portion of the water system which extends from the water source to and including the curb shut-off valve.
 - (2) *Service line* shall mean that part of the water system which extends from the curb shut-off valve to the water meter of the owner.
 - (3) *Connection* shall mean that part of the water system that extends from the water meter to the outlets.
- (b) The Village is responsible for the maintenance of the water distribution system.
- (c) The owner is responsible for the maintenance of the service line and the connection. The failure on the part of any consumer or owner of property receiving water service to maintain the connection or the service line causing water waste, will be cause for discontinuance of service or for the repairing of the same by the Public Works Department and charging the costs thereof to the property owner. Any other costs accrued for maintaining or improving the service line by the Public Works Department shall be charged to the property owner. The Village shall not be held responsible by reason of the breaking of any service pipe or apparatus water coil, or for failure in the supply of water. Nor in turning on water shall the Village or the Public Works Department be responsible for any damage that may occur by reason of improper fixtures, open or improper connections, or for any other causes.

Sec. 20-38. Authority to shut off water.

The Village may, when necessary, and without notice, shut the water off in its mains for the purpose of making repairs or extensions or for other purposes and no claims shall be made against the Village by reason of the breakage of any service pipe or shut-off valve, or for other damage that may result from shutting off water for repairing, laying or relaying mains, hydrants or other connections.

Sec. 20-39. Changes of residence.

No customer, who shall change residence from such location to any other location by, shall be entitled to or be given water service until any and all delinquent water rentals which are charged against such customer for the former place of residence, inclusive of those which have been imposed pursuant to section 20-50(f), have been paid in full. No water at such new location shall be turned on, and if it shall have been turned on, it shall be turned off, until settlement

is made for such delinquent water rental at the former location. A delinquency charge of \$50.00 payable by the customer of the property serviced, shall be paid for turning on water and resuming the service.

Sec. 20-40. Discontinuing service at request of consumer.

Owners or consumers desiring to discontinue the use of water shall give notice thereof to the Village. Thereafter, the Public Works Department shall then cause the water to be turned off. Base charges and maintenance fees shall continue to be charged notwithstanding such voluntary shut off. When water service is discontinued, all water rentals for such service shall at once become due and payable. When water service is again desired after having been discontinued, a charge shall be made and collected before the water shall be turned on and the service resumed. The Village shall not honor this provision if, in the opinion of the Village, the purpose of shutting off the water is to effectuate a self-help eviction by a landlord against a tenant contrary to the eviction process established by Illinois law.

Sec. 20-41. Unnecessary waste prohibited.

Water supplied by the Village is not an unlimited supply. Consumers shall prevent unnecessary waste of water, detect all water leaks and keep all water outlets closed when not in actual use. If unnecessary waste of water takes place, the Public Works Department reserves the right to discontinue supply. If a leak takes place between the curb shut off and the meter, the consumer may be charged an estimate of water lost as determined by the Public Works Department.

Sec. 20-42. Water conservation measures—Residential users.

The following water conservation measures shall apply to all residential water users:

- (a) New or replaced plumbing fixtures shall comply with the following standards:
 - (1) Water closet:
 - a. Tank type—Maximum 1.6 gallons per flush.
 - b. Flushometer—Maximum 1.6 gallons per flush.
 - (2) Urinal:
 - a. Tank type—illegal.
 - b. Floor type—illegal.
 - c. Flushometer—Maximum 1.6 gallons per flush.
 - (3) Shower heads—Maximum 2.5 gallons per minute (gpm).
 - (4) Kitchen faucets—Maximum 2.5 gpm.
 - (5) Lavatory valves or faucets:
 - a. Mixing type—Maximum 2.5 gpm, measured with both hot and cold water supply fully open.
 - b. Single type—Maximum 2.5 gpm, measured with valve fully opened.
 - (6) Laundry tub and janitor sink faucets:
 - a. Mixing type—Maximum flow 4.0 gpm, measured with both hot and cold water supply fully opened.
 - b. Single type—Maximum flow 2.0 gpm, measured with valve fully opened.
 - (7) Automatic yard sprinklers shall be of the latest water conservation types.

- (8) Water softeners—No water softener may use more than 75 gallons during the entire regeneration cycle, and sized to cycle no more than three times per week.
- (9) Any other appliance, plumbing fixture or appurtenances shall be reviewed by Building Division of the Community Development Department for relative merit and water saving abilities.
- (10) Plumbing fixtures and fittings in all new and remodeled construction must be labeled Water Sense product, as specified by the United States Environmental Protection Agency.

- (b) Existing plumbing fixtures and water use:
 - (1) The Village shall budget monies each year to inform and educate the public on the ethics of water conservation.
 - (2) The Director of Public Works or their designee shall administer all water conservation programs.

Sec. 20-43. Same—Nonresidential users.

The following water conservation measures shall apply to all nonresidential water users:

- (a) New or replaced plumbing fixtures shall comply with the following standards:
 - (1) Water closet:
 - a. For water service connections two inches or larger—Flushometer only, maximum 1.6 gallons per flush.
 - b. For water service connections less than two inches—Same as residential.
 - (2) Urinals:
 - a. Tank type—illegal.
 - b. Floor type—illegal.
 - c. Flushometer—Maximum one gallon per flush.
 - d. Trough type—Maximum one and one-half gallons per flush. The water operating the flush pipe for trough urinals shall be of the metering self-closing types.
 - (3) Shower heads:
 - a. Maximum flow—2.5 gpm.
 - b. Shower heads are to be serviced by metering self-closing control valves whose cycle is not to exceed 60 seconds. Water supplying each shower head shall be thermostatically controlled and the water temperature shall not exceed 105 degrees Fahrenheit.
 - (4) Lavatory valves:
 - a. Self-closing valves mandatory.
 - b. Mixing type—Same as residential.
 - c. Single type—Same as residential.
 - (5) Kitchen faucets—Same as residential.
 - (6) Yard sprinklers—Same as residential.
 - (7) Laundry tubs and faucets—Same as residential.
 - (8) Any other appliance, plumbing fixture, or appurtenances shall be reviewed by the Building Division of the Community Development Department for relative merit and water saving abilities.

- (9) Each new industrial and business facility shall be reviewed by the Building Division of the Community Development Department for optimum water conservation and water saving devices. Recycling of water shall be demanded in all applicable areas.
- (10) Plumbing fixtures and fittings in all new and remodeled construction must be labeled Water Sense product, as specified by the United States Environmental Protection Agency.
- (b) Existing plumbing fixture and use:
 - (1) The Department of Public Works shall investigate, from time to time, industrial and business facilities for excessive water use.
 - (2) The Village reserves the right to specially assess those nonresidential consumers using water in excess and not faithfully employing water conservation methods in the form of reduced use or recycling programs.
 - (3) Any special assessment made by the Village shall at no time exceed five times the current rate for water use.

Sec. 20-44. Water usage during certain hours prohibited or restricted, exceptions; proclamation of Village Administrator in times of shortage, violations; outdoor limitation on the use of water.

- (a) *Purpose.* Based on research from the Illinois State Water Survey, the Chicago Metropolitan Agency for Planning, local counties and other organizations, the Village of Montgomery recognizes potable water is a finite natural resource; communities within the Northwest Water Planning Alliance rely on shared groundwater and surface water sources; and, water conservation is a necessary component of a sustainable water supply.
- (b) *Definitions.* The following words and phrases when used in this section shall, for the purposes of this section, have the following meanings unless the context clearly indicates or requires a different meaning:
 - (1) *Drip irrigation system* shall mean an irrigation system which saves water by allowing water to drip slowly to the roots of plants, either onto the soil surface or directly onto the root zone. Such systems include but are not limited to soaker hoses.
 - (2) *Handheld watering device* shall mean a means of watering which requires the watering device to be held in order to operate, including watering cans, buckets, and hoses equipped with automatic shutoff valves. This also includes the handheld use of a hose, provided it is continuously attended.
 - (3) *Harvested rainwater* shall mean water which is accumulated and stored during times of precipitation, such as through rain barrels and cistern systems, is prevented from entering the stormwater treatment system, and is redirected for reuse onsite.
 - (4) *Irrigation system* shall mean a system consisting of pipes, valves and sprayers connected to the potable water supply to manually or automatically irrigate lawns or landscaping.
 - (5) *Landscape* shall mean the area of the property planted with vegetation other than grass.
 - (6) *Lawn* shall mean the area of the property planted with grass.
 - (7) *Lawn sprinkler* shall mean a device attached to a hose designed to allow for the unattended watering of lawns or landscaping but does not include a drip irrigation system.
 - (8) *Lawn watering* shall mean any means or methods of applying water to a lawn.
 - (9) *Northwest Water Planning Alliance (NWPA)* shall mean an interjurisdictional alliance of five counties, five councils of government, and roughly 80 municipalities which collaborate and cooperate on regional water resource planning issues.

- (10) *Person* shall mean any individual, firm, partnership, association, corporation, company, organization, or entity of any kind.
- (11) *Reclaimed greywater* shall mean water which is produced by treating onsite wastewater generated by household activities, such as laundry, dishwashing, and bathing, is prevented from entering the municipal wastewater treatment system, and is redirected for reuse onsite.
- (12) *Recycled effluent* shall mean water that was formerly municipal wastewater and has been treated to remove solids and impurities for reuse for nonpotable purposes.
- (13) *Village* shall mean the Village of Montgomery.

(c) *Application of regulations:*

- (1) The provisions of this section shall apply to any person using water within the Village of Montgomery, and:
 - a. The property is supplied by the Village's water system, regardless of whether:
 - 1. The property is located within the municipal boundaries of the Village; or
 - 2. The person using the water has a contract for service with Village; or
 - b. The property is located within the municipal boundaries of the Village and uses water other than municipal water that is supplied by the same aquifers as the municipal water supply.
- (2) The provisions of subsection (d) of this section shall apply year-round, subject to any modifications thereof, including application of these or other regulations during this or any other time, by an emergency proclamation.

(d) *Permitted hours and days for specified uses:*

- (1) All persons using water shall adhere to the following schedules for lawn watering:
 - a. All properties with even numbered street numbers (i.e., numbers ending in 0, 2, 4, 6 or 8) may use water for lawn sprinkling only on even numbered calendar dates between the hours of 6:00 a.m. and 9:00 a.m., or 6:00 p.m. and 9:00 p.m.
 - b. All properties with odd numbered street numbers (i.e., numbers ending in 1, 3, 5, 7 or 9) may use water for lawn sprinkling only on odd numbered calendar dates between the hours of 6:00 a.m. and 9:00 a.m., or 6:00 p.m. and 9:00 p.m.
 - c. All properties which cannot be readily identified as having even or odd numbered street addresses are hereby designated as even numbered for water conservation purposes.
 - d. No property will be allowed to use water for lawn sprinkling on July 31 and August 31 of the calendar year.
- (2) There shall be no restrictions as to hours or days when water may be used for any of the following:
 - a. Lawn watering where such watering is done using reclaimed greywater, recycled effluent, or harvested rainwater;
 - b. The watering of landscape, such as trees, shrubs, flowers and gardens, with a handheld hose not larger than one-inch diameter or by means of an automatic root feed or drip irrigation system;
 - c. Lawn watering where such watering is done with the proper, attended use of a handheld watering device;
 - d. Vehicle or equipment washing, provided that all water hoses are equipped with positive shutoff nozzles; or
 - e. Any other lawful use of water such as bathing, clothes washing, or other normal household uses not otherwise specifically restricted by the provisions of this section.

(e) *Sod laying and seeded lawn installation restrictions and permit requirements:*

- (1) Notwithstanding the above provisions, sod laying, lawn seeding, and the planting of other landscaping for the establishment of a new lawn or new landscaping is prohibited from July 1 through August 31 each year, unless the source of watering for said sod, lawn seeding or planting of landscaping is derived from reclaimed greywater, recycled effluent, or harvested rainwater. The prohibition shall not apply to soil erosion and sedimentation plans required pursuant to Village ordinances (with approved plans) or for restorations due to required repairs of public utilities (e.g., water main breaks). For purposes of this subsection (e), new lawn or new landscaping shall mean areas of mowed or cultivated grass species, including but not limited to rye grass, fescue, bentgrass, Bermuda, and/or zoysia grass, exceeding 100 square feet in area,
- (2) Except for the period of July 1 through August 31 of each year or during an emergency proclamation event, water from the Village water distribution system or private wells may be used for the establishment of sod or seeded turf lawns planted or installed in the current year, only as follows:
 - a. On the day new sod or seed has been placed on a property, a person may use a lawn sprinkler to apply water to the sod or seed for a total period of time not to exceed eight hours. For the next nine days thereafter, a person may use a lawn sprinkler to apply water to said sod or seed each day during permitted hours of water use. Following the first ten days after the sod or seed is placed, the provisions of subsection (c) and (d) of this section shall apply.
 - b. Within two hours after sod has been placed, water shall be applied at a rate of 5 gal/sq yd (25 L/sq m). Additional water shall be applied every other day at a rate of 3 gal/sq yd (15 L/sq m) for a total of 15 additional waterings.

(f) *Waste of water prohibited.* No person shall allow a continuous stream of water to run off into any gutter, ditch, drain, or street inlet while using water for restricted purposes, nor shall a person spray or sprinkle streets or sidewalks.

(g) *Exceptions.* The provisions of this section shall not apply to:

- (1) Any commercial or industrial entity for which the use of water is necessary to continue normal business operations, or to maintain stock or inventory. This exception shall not apply to any uses of water not essential to normal business operations or maintenance of inventory or stock, and specifically shall not apply to lawn watering.
- (2) Any new construction sod/landscaping installations during the prohibited period of July 1 through August 31, at the discretion of the building official or his designee, pending favorable weather conditions.

(h) *Emergency proclamation.* Whenever the water supply is diminished from any cause, including, but not limited to, prolonged dry period or drought, increased water demand, equipment failure, or water quality concerns, to an amount which in the opinion of the Village Engineer or Director of Public Works or their designee is or is likely to become dangerous to the health and safety of the public, the Village President or their designee is hereby authorized and empowered to issue an emergency proclamation specifying different or additional regulations on the use of water.

- (1) In the case of regional dry periods or drought, the Village President shall take into account the recommendations of the regional water supply planning group, NWPA, on making the decision to issue an emergency proclamation.
- (2) Such regulations may provide for limitations on the usage of water, limitations on days and hours of use of water for some or all purposes, and the prohibition of specified uses of water. The following shall constitute the default emergency regulations:
 - a. In the case of moderate to severe drought conditions or similar regional water supply constraints as advised by the NWPA, the use of sprinkler systems shall be prohibited. Outdoor use of water shall still be allowed for those exempted uses in subsection (d)(2) and do not have to follow hour or day restrictions.
 - b. In the case of extreme to exceptional drought conditions or similar regional water supply constraints as advised by the NWPA, the use of water outdoors for any purpose shall be prohibited.

- (3) Upon issuing such proclamation, the Village President shall make the contents thereof known to the public by posting a copy at the Village Hall, and by news release to local newspapers and radio media and may also endeavor to notify Village residents and other persons in any other practical manner that he or she shall devise. Further, the Village President shall immediately deliver notice of such proclamation, and the regulations that have been imposed by such proclamation, to all members of the board of trustees.
- (4) The emergency proclamation of the Village President, and the regulations imposed thereby, shall remain in full force and effect until any one of the following shall first occur:
 - a. The Village President determines that the emergency no longer exists and that the emergency proclamation, and the regulations imposed thereby, shall no longer continue in effect.
 - b. The Village President modifies or repeals the emergency proclamation, and the regulations imposed thereby, by means of an ordinance enacted at any regular or special meeting of the Village President and Board of Trustees.
- (5) Any Village employee or officer may, at the direction of the Village President, notify and warn any person of the effect of said emergency proclamation and direct said person to comply with said watering or sprinkling restrictions. If any said person, after having first been warned about said restrictions of the emergency proclamation, shall continue to violate said restrictions of the proclamation, they shall be deemed to be in violation of this section.

- (i) *Authority.* The authority to prohibit and further regulate the sprinkling of lawns, shrubbery and gardens shall be expressly reserved and may be amended from time to time, as necessary, by the Village President and Board of Trustees.
- (j) *Violation and penalty:*
 - (1) Any person who violates, disobeys, neglects, fails to comply with or resists enforcement of the provisions of this section shall be processed as a Type 2 offense and be subject to the fines and penalties set forth in Chapter 1, Section 1-10 (Fines and procedures for minor ordinance violations), as may be amended from time to time.
 - (2) Each day a violation occurs or continues shall be considered a separate violation for purposes of this section.
 - (3) In addition to penalties provided herein, the Village may recover reasonable attorney fees, court costs, court reporter fees and other expenses of litigation.
 - (4) In the event any person has received a compliance ticket issued pursuant to the provisions of Chapter 1, Section 1-10 of the Village Code for a violation of this section, and has not paid the same, then the amount thereof shall be added to such person's water bill pursuant to the provisions of Chapter 20, Sections 20-50 and 20-52 of the Village Code.

Sec. 20-45. Meters required; type, installation, cost, location, etc., of same.

- (a) All water, including fire suppression sprinkler systems (see Section 20-49), furnished to the consumer shall be metered. All meters shall register in gallons of water consumed and shall be of a standard make approved by the Director of Public Works or their designee. All new residential meters shall be equipped to be read both on the meter and at a remote location as determined by the Director of Public Works or their designee. The first meters, and associated equipment, for new residential dwelling units shall be provided by the Public Works Department and paid for by the owner. The cost of such meters shall include the cost of the water meter, a remote reading device, and all cables, connectors, and other devices necessary to place the meter system into operating condition, plus an administrative fee equal to ten percent of the total cost of the foregoing items. Meters shall be placed on the service pipe not to exceed two feet from the point where such pipe enters the premises. There shall be a full port ball valve between the meter and the wall, and a suitable place provided for the meter so as to keep it dry and clean and readily accessible at all times to a meter reader or inspector of the Public Works Department. In buildings where the water service enters the building in a crawl space, the service line shall enter the building immediately beneath a utility area of the building and the service pipe shall extend upward to the ground floor.

The meter shall be installed on the service pipe not to exceed two feet from the floor. The full port ball valve shall be between the meter and floor. A full port ball valve shall also be placed on the pipe on the outlet side of each meter not more than three feet from the meter. A drain down valve shall be placed on the outlet side of the meter. After installation, all meters shall be inspected by the Director of Public Works or their designee. All meters shall be sealed; and no person shall break the seal except a representative of the Public Works Department. Any unauthorized person breaking or causing to be broken a seal or tampering with the meter shall be subject to a fine as provided in Section 1-8 of this Code. Permission may be given by the Director of Public Works or their designee to break a seal for draining a pipe or for stopping leaks.

- (b) From time to time, it is recognized that a water meter may be disconnected by an entity other than the Village's Public Works Department. In such a case, the owner of the property will be required to re-attach the meter at their own expense. This reconnection must be established in one of the following ways:
 - (1) The owner may hire an outside party to establish a reconnection and the Village will perform an inspection only. The fee for inspection under this provision will be \$50.00. Failed inspections may result in additional reconnection fees as listed below.
 - (2) The Village will establish a reconnection and the Village will perform all work necessary for installation. The fee for reconnection under this provision will be \$200.00.

Sec. 20-46. Responsibility for meters; inspection, testing; right of entry.

Owners and occupants shall be responsible for the care and protection of the meter, and the same shall be subject to inspection and test at any time by the Public Works Department. All owners of property and occupants in charge or control of the premises must permit any duly authorized person to enter said premises for the purpose of inspection of, and to examine, test and operate meters and valves and also for the installation and removal of meters.

(Ord. No. 1964, § 1(Exh. A), 4-25-22)

Sec. 20-47. Inaccurate meters; adjusting charges.

- (a) Water meters will be defined by this article as inaccurate and in need of repair when the variation or departures from 100 percent of accuracy shall be in excess of four percent. Whenever any meter shall be proven to be inaccurate or in need of repair, the Public Works Department shall cause said meter to be removed, tested, recalibrated and/or replaced, the Village will pay the cost and expense of such removal, repair and/or replacement for consumers.
- (b) In the event of a water consumer or owner of the property disputing the Public Works Department as to the correctness of the amount to be charged, or in the event of a consumer or owner of the property questioning the accuracy of the meter from which the date for computing said amount of charges was obtained, then the Public Works Department shall, at the request of the consumer or owner test and examine the meter as to its accuracy. If it is found as a result of such test that the meter is accurate, the individual requesting said test will be charged the full cost of the test. If it is found as a result of such test that the meter registers a greater or lesser amount of water than has actually passed through it, in excess of the allowable variation of four percent, the Public Works Department shall so adjust the error either in favor of or against the consumer or owner for the amount of water actually passed through the meter. In no case, however, where water service has been rendered for two months or a portion thereof, shall be adjusted below the minimum charge as set by this article. No deduction shall be made on account of leakage of any kind after the water has passed through the meter, nor shall charges be made for leaking from the service pipe before it has passed through the meter.
- (c) Any reductions or additions to charges made as a result of the foregoing provisions of this section shall and must be shown on the books of record of such transactions maintained by the Director of Finance or their designee.

Sec. 20-48. When meters read; where bills payable.

Meters shall be read monthly prior to the times as provided in Section 20-50 hereof.

Sec. 20-49. Fire loops and fire suppression sprinkler systems, connections and fees for same.

- (a) A fire suppression sprinkler system shall be connected in accordance with all current Village, county, state and federal building and plumbing codes. A fire suppression sprinkler system shall have a bypass meter approved by the Village and shall have a double check detector assembly (DCDA) ASME 1048-2011 installed at the point of entry to the building. The detector check valve shall be installed in addition to any other backflow prevention device that may be required by the building or plumbing codes. The Director of Public Works or their designee shall estimate the amount of unmetered water that is used and the amount shall be added to the amount metered and the user shall be billed for the total amount of water used at the rates set forth hereinafter.
- (b) A private exterior fire loop connected to a public watermain, shall have a double check detector assembly backflow preventer (backflow preventer assembly) installed as close to the public watermain as practical at each point of connection. The backflow preventer assembly shall be installed in an above ground heated enclosure. The design, manufacturer, location, and configuration of the fire loop, valves, hydrants, backflow preventer assembly and the enclosure shall be approved by the Village. The fire loop shall be constructed in accordance with the Village's specifications for watermain. Both the fire loop and the backflow assembly and enclosure will be installed in a dedicated easement. The Village is not responsible for the maintenance of the private fire loop. Should the owner of the private fire loop fail to properly maintain the fire loop, backflow preventer assembly, enclosure, and related appurtenances the Village reserves the right to shut off the connection until proper maintenance is performed. The backflow preventer assembly shall be installed in accordance with all current Village, county, state and federal building and plumbing codes.

Sec. 20-50. Rates established and when bills due.

- (a) The water rents or rates, as set forth herein, are hereby established and shall be collected for all water consumption or water service rendered by the Village and such water consumption or water service shall be determined by meter registration.
- (b) The following water rents or rates are hereby established and shall be collected for all water consumption or water service rendered by the Village.
 - (1) All consumers within the Village limits

Effective Date	Rate per Gallon	Water Service Charge - Residential	Water Service Charge - Commercial	Sewer Service Charge
5/1/2024	\$0.00798	\$3.00	\$3.00	\$2.00
5/1/2025	\$0.00867	\$10.20	\$20.20	\$6.00
5/1/2026	\$0.00893	\$17.40	\$27.40	\$6.00
5/1/2027	\$0.00920	\$24.60	\$34.60	\$6.00
5/1/2028	\$0.00948	\$31.80	\$41.80	\$6.00
5/1/2029	\$0.00976	\$39.00	\$49.00	\$6.00
5/1/2030	\$0.01005	\$46.20	\$56.20	\$6.00
5/1/2031	\$0.01035	\$53.40	\$63.40	\$6.00
5/1/2032	\$0.01066	\$60.60	\$70.60	\$6.00
5/1/2033	\$0.01098	\$67.80	\$77.80	\$6.00
5/1/2034	\$0.01131	\$75.00	\$85.00	\$6.00
5/1/2035	\$0.01214	\$75.00	\$85.00	\$6.00
5/1/2036	\$0.01303	\$75.00	\$85.00	\$6.00
5/1/2037	\$0.01398	\$75.00	\$85.00	\$6.00
5/1/2038	\$0.01500	\$75.00	\$85.00	\$6.00

5/1/2039	\$0.01610	\$75.00	\$85.00	\$6.00
5/1/2040	\$0.01728	\$75.00	\$85.00	\$6.00
5/1/2041	\$0.01854	\$75.00	\$85.00	\$6.00
5/1/2042	\$0.01989	\$75.00	\$85.00	\$6.00
5/1/2043	\$0.02134	\$75.00	\$85.00	\$6.00
5/1/2044	\$0.02290	\$75.00	\$85.00	\$6.00
5/1/2045	\$0.02457	\$75.00	\$85.00	\$6.00
5/1/2046	\$0.02636	\$75.00	\$85.00	\$6.00
5/1/2047	\$0.02828	\$75.00	\$85.00	\$6.00
5/1/2048	\$0.03034	\$75.00	\$85.00	\$6.00
5/1/2049	\$0.03255	\$75.00	\$85.00	\$6.00

(2) All consumers located outside of the Village limits

Effective Date	Rate Per Gallon	Water Service Charge - Residential	Water Service Charge - Commercial
5/1/2024	\$0.00958	\$3.00	\$3.00
5/1/2025	\$0.01023	\$10.74	\$20.74
5/1/2026	\$0.01036	\$17.88	\$27.88
5/1/2027	\$0.01049	\$25.02	\$35.02
5/1/2028	\$0.01062	\$32.16	\$42.16
5/1/2029	\$0.01074	\$39.30	\$49.30
5/1/2030	\$0.01085	\$46.44	\$56.44
5/1/2031	\$0.01097	\$53.58	\$63.58
5/1/2032	\$0.01109	\$60.72	\$70.72
5/1/2033	\$0.01120	\$67.86	\$77.86
5/1/2034	\$0.01131	\$75.00	\$85.00
5/1/2035	\$0.01214	\$75.00	\$85.00
5/1/2036	\$0.01303	\$75.00	\$85.00
5/1/2037	\$0.01398	\$75.00	\$85.00
5/1/2038	\$0.01500	\$75.00	\$85.00
5/1/2039	\$0.01610	\$75.00	\$85.00
5/1/2040	\$0.01728	\$75.00	\$85.00
5/1/2041	\$0.01854	\$75.00	\$85.00
5/1/2042	\$0.01989	\$75.00	\$85.00
5/1/2043	\$0.02134	\$75.00	\$85.00
5/1/2044	\$0.02290	\$75.00	\$85.00
5/1/2045	\$0.02457	\$75.00	\$85.00
5/1/2046	\$0.02636	\$75.00	\$85.00
5/1/2047	\$0.02828	\$75.00	\$85.00
5/1/2048	\$0.03034	\$75.00	\$85.00
5/1/2049	\$0.03255	\$75.00	\$85.00

(3) In addition to the water rents or rates established in Subsection (b)(2) hereof, residents of Boulder Hill Subdivision shall also be charged a monthly infrastructure charge of \$15.00.

- (4) The water service charge or rate shall be revised periodically to reflect a change in local capital costs or operation, maintenance, and repair (OMR) costs, including costs associated with the Village's Lake Michigan water source and its participation in the DuPage Water Commission.
- (c) The water rents or rates as set forth herein shall be payable monthly. Bills for service shall be sent out by the Finance Department on the first day of each month succeeding the month for which service is billed. All bills are due as determined from time to time by the Village President and Board of Trustees. A penalty of ten percent will be added to all bills paid after the due date. If the charges for such services are not paid for within 20 days after the rendition of the bill for such services, the provisions of section 20-52 shall apply.
- (d) The Treasurer or their designee is authorized to settle all disputes regarding water billings or payments thereof on behalf of the Village.
 - (1) Any person liable for a water bill, related charges or a late penalty may contact the Treasurer via telephone or email, to informally discuss and attempt to resolve any disputed charges, fee or late penalty.
 - (2) In the event that the owner or occupant of any premises desires to formally dispute the imposition of a particular charge, fee or late payment penalty they may request an appeal hearing. Each hearing must be requested in writing within ten (10) days of the date of the bill or notice of other disputed fee or charge.
 - (3) The Treasurer is the designated hearing officer for such hearings. Owners or occupant wishing to avail themselves of a hearing will be given seven (7) days' advance written notice of the time and place of such hearing by the Treasurer.
 - (4) At the hearing, the petitioning party may present evidence concerning the accuracy of the charge, fee or late penalty, and a representative of the Village may present evidence in support of the charge, fee or late penalty. The Treasurer may waive adjust late penalties, delinquency fees or billed water usage.
 - (5) Within three (3) business days following the hearing, the Treasurer shall make a written determination as to the accuracy of the charge, fee or late penalty. If the Treasurer determines that imposition of the particular charge, fee or late penalty is appropriate, the owner or occupant will have ten (10) days following the hearing to pay such penalty in full. If, during the five (5) day period after the Treasurer's determination, the owner or occupant disagrees with the determination, they may appeal the decision to the Village Administrator. Failure to appeal within five (5) days shall cause the decision of the Treasurer to become a final decision. The Village Administrator shall review the evidence submitted at the previous hearing and shall make a determination. The Village Administrator's determination shall be final and not subject to further appeal. After a determination by the Village Administrator that imposition of the charge, fee or late penalty is appropriate, or of any other determination, the owner or occupant shall have ten (10) days following the determination to pay in full.
- (f) Any charges for failure to pay a ticket issued pursuant to the provisions of and in accordance with Section 1-10 of the Village Code for a violation of any section of the Village Code, or for any other outstanding amount due to the Village, shall be added to the water service account (consolidated into the Village service account) for any person owning and/or residing at the property being served and shall be collected in accordance with the provisions of section 20-52 of the Village Code.

Sec. 20-51. Payment of retailer's occupation tax to state.

The retailers' occupation tax provided for under the statutes of the State of Illinois, if any be due said state, shall be paid by the Village out of the Water Fund.

Sec. 20-52. Owner's responsibility for charges; notice, discontinuing service, and lien for delinquent charges.

The owner of the premises served shall be held responsible for the payment of all water rentals and all other proper charges relating to water service to the premises. Although water service accounts may be kept in the name of the customer, occupant, or user served, such owner shall be recognized as the consumer and the owner and occupants may be held jointly and severally liable. Payments will be accepted from an occupant when tendered by them, but the acceptance of such payments shall not be deemed a waiver by the Village of the obligation of the owner to pay any other water rents or rates or other proper water service charges when due.

(a) *Discontinuing service:*

- (1) *Delinquent charges.* Water service may be shutoff and discontinued to any property in which an owner/customer, occupant or user has allowed billing charges to become delinquent as defined in this chapter.
- (2) *Restoration of service.* It shall be the responsibility of any party requesting the restoration of water service to pay all fees, deposits, and delinquent charges attributable to the property for which water service is provided.
- (3) *Transfer of ownership.* When the ownership of property is transferred to a new owner, it shall be the responsibility of the new owner to pay all fees, deposits and delinquent charges prior to water and sewer service being turned on or otherwise restored to the property.
- (4) *Transfer of Occupancy.* When a change in occupancy is requested to be transferred to a new occupant, it shall be the responsibility of the property owner to pay all outstanding fees, deposits and delinquent charges prior to water and sewer service being transferred to a new occupant
- (5) *Payment in full required.* Water service shall not be turned on or otherwise restored to a property until all fees, deposits and delinquent charges have been paid in full.
- (6) *Disconnection charges.* If an owner/customer, occupant or user has allowed billing charges to become delinquent and water service is discontinued because of a delinquent account as set forth in this section or for any other reason, a delinquent fee shall be assessed to the account at 12:00 p.m. on the business day before disconnection is scheduled, in addition to all amounts due on said account, payable in advance either by the customer or the owner of the property before water service to the premises is turned back on during regular scheduled working hours.
- (7) *Delinquent fees.* Delinquent fees time to time by resolution of the Village President and Board of Trustees.

(b) *Delinquent charges; collection:*

- (1) All user charges levied under the provisions of this chapter shall be liens upon the real estate upon or for which service is supplied, as provided by law; however, such liens shall not attach to such real estate until such charges have become delinquent. For the purposes of this section, a charge shall be determined delinquent 20 days after the billing has been mailed. The Village shall send to the owner or owners of record of the real estate, as referenced by the parcel identification number, a copy of each delinquency notice sent to the person who is delinquent in paying the charges and a notice that the unpaid charges or rates may create a lien on the real estate. The Village shall file notice of the lien in the office of the recorder of the county in which such real estate is located. The notice shall consist of a sworn statement setting out:
 - a. A description of the real estate sufficient for the identification thereof;
 - b. The amount of money due for such service; and
 - c. The date when such amount became delinquent.

- (2) In addition to any other method of collection as herein provided or as is provided by law, the Village shall also have the power and authority to sue the occupant or user of that real estate in a civil action to recover money due for water and/or sewer services, plus costs and a reasonable attorney fee to be fixed by the court.
- (3) Judgments recovered by the Village before any court pursuant to state statutes and Village ordinances shall draw interest at the rate of nine percent per annum from the date of recording until released.
- (4) Liens filed and recorded by the Village pursuant to state statutes and Village ordinances shall draw interest at the rate of nine percent per annum from the date of recording until released. These liens will be adjusted from time to time to include additional charges, fees and interest. In addition thereto, costs may be assessed against each lien filed and recorded. These costs shall include the actual costs incurred by the Village as assessed by the county recorder and an administrative fee in an amount equal to 50 percent of the county recording fee, and may, at the sole discretion of the user, include a release of lien fee in the amount as assessed by the county recorder and an administrative fee in an amount equal to 50 percent of the county recording fee; and if release of lien fee is paid, the Village, at no additional costs to the user, shall obtain, on users behalf, the release of lien.
- (5) In the event a bill is not paid within 20 days after mailing and has, therefore, become delinquent as provided herein, the Village shall have the power, in addition to the other powers herein granted, to refer the bill for collection to a collection agency, or other appropriate parties or agencies, for collection. At the time of such referral, the Village shall make an additional charge to the user in the amount of \$50.00, which charge shall be added to the user's delinquent bill. It is hereby determined that such additional charge is reasonable and proper in order to help the Village defray its costs of collection.
- (6) No charges shall be made for water leaking from the service pipe that has not passed through the meter nor shall any deduction or allowance be made with respect to the bill on account of leakage after water has passed through the meter. In accordance with Section 20-41 of the Village Code, any such leaks shall be repaired in a timely manner or the water service will be suspended by the Public Works Department until necessary repairs are made.

Sec. 20-53. Unauthorized turning on of water.

Any person, firm or corporation who shall turn on the supply of water to any premises from which the supply of water has been turned off by order of the Director of Finance or their designee, on account of nonpayment of water service charges or for any other reason, without receiving permission or authority to do so from the Village shall be subject to a fine as provided in Section 1-8 of this Code.

Sec. 20-54. Temporary hydrant meter and bulk water station use.

- (a) A temporary construction hydrant meter assembly may be furnished to contractors or builders for water to be used on construction work, at a rate fee of three times the rate of consumers outside the Village limits, as referred to in Section 20-50. Rates may be amended from time to time with approval from the Board of Trustees. Issuance of a meter assembly will require a deposit before the meter will be issued. Hydrant meters will only be authorized for use and limited to specific fire hydrants identified by the Director of Public Works or their designee. Hydrant meters may not be modified in anyway, with the exception of adaptors to the discharge end of the meter assembly. Fire hydrants shall only be opened with a hydrant wrench which may be provided by the Village with an additional fee. A pipe wrench or similar tool is not permitted. Hydrants shall be opened and closed slowly and shall be operated either all the way open or all the way closed. Only the gate valve should be used to regulate the flow once the hydrant has been opened fully. Ball valves shall not be used or placed as additional operating controls on the hydrant meter assembly or at the end of a hose attached to the hydrant meter assembly. The construction hydrant meter assembly is the responsibility of the applicant to protect. When a hydrant meter assembly is in use, the hydrant should be opened during daily use and closed at night. To prevent damage to the complete assembly during winter months or freezing temperatures, field crews, after closing the hydrant should open the meter valve to allow the meter assembly to fully drain. Draining the complete assembly at the end of each day will help to prevent costly freeze damage. The applicant shall be solely

and financially responsible for damaged, lost, or stolen appurtenances to the hydrant meter assembly. Damage to the assigned fire hydrant or connecting equipment is also the responsibility of the applicant until the meter assembly is returned to the Village. Meter assemblies are required to be returned to the Village for inspection, calibration, and usage reading no later than February 1 of each calendar year. Failure to return the meter assembly on time will result in the forfeit of the meter assembly deposit. There will be a monthly base fee of \$30.00 per month.

(b) The Village's bulk water filling station(s) may be utilized for contractors requiring water to perform services and shall be the preference of the Village when applicable. Bulk water filling stations are dispensaries of water that are made accessible to customers by establishing an account with the Village of Montgomery Water Billing Department. Charges include a one-time account setup fee, a monthly \$10 service fee, and consumptive use charges, as may be amended from time to time. If there has been no usage for 12 months or upon request of user, the account shall be deactivated. The rate for water utilizing the bulk water station is the same as defined for the use of a temporary hydrant meter above in this section. Non-compliance with the terms and conditions of a fill station application may result in revocation of fill station approval and/or denial of future access.

Sec. 20-55. Village nor Public Works Department not responsible for damages when water ordered discontinued.

Whenever water service shall be ordered discontinued for causes contemplated by Sections 20-37, 20-38, 20-40, 20-41, 20-44, 20-50 or for any other proper cause, neither the Village nor the Public Works Department nor any person, whether or not connected with the Village in an official capacity, shall be responsible for any damage that may occur by reason thereof.

Sec. 20-56. Violations; penalty.

Any person, firm or corporation who shall violate any of the rules, regulations, or provisions of this article or who shall refuse or neglect to comply with the provisions thereof shall be deemed guilty of a misdemeanor and be punishable as provided in Section 1-8 of this Code for each and every violation, neglect or refusal.

Sec. 20-57. Business hours.

The regular business hours for Public Works Department to turn on water service are Monday through Friday 8:00 a.m. to 2:30 p.m.

Sec. 20-58. Reserved.

Sec. 20-58.1. Application.

This Chapter shall apply to all premises served by the public potable water supply system of the Village of Montgomery.

Sec. 20-58.2. Responsibility.

The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the Director of Public Works or their designee, an approved backflow prevention device is necessary for the safety of the public water supply system, the Director of Public Works or their designee shall give notice to the customer to install such approved backflow prevention device at each service connection to the premises. The customer shall immediately install such approved device or devices at their own expense; failure, refusal or inability on the part of the customer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The customer shall retain records of installation,

maintenance, testing and repair as required for a period of at least five years. The Director of Public Works or their designee shall require the customer to submit a cross-connection inspection report to the Village of Montgomery to assist in determining whether service line protection will be required. All cross-connection inspections shall be conducted by a cross-connection control device inspector certified by the Illinois Environmental Protection Agency.

Sec. 20-58.3. Definitions.

(a) For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) *Agency* shall mean the Illinois Environmental Protection Agency.
- (2) *Approved* shall mean backflow prevention devices or methods approved by the American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation, or listed in the Illinois Plumbing Code, 77 Ill. Adm. Code 890.
- (3) *Auxiliary water system* shall mean any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.
- (4) *Backflow* shall mean the flow of water or other liquids, mixtures, or substances into the distribution pipes of potable water from any source other than the intended source of the potable water supply.
- (5) *Backflow prevention device* shall mean any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.
- (6) *Consumer* or *customer* shall mean the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.
- (7) *Consumer's water system* shall mean any water system located on the customer's premises. A building's plumbing system is considered to be a "Customer's water system."
- (8) *Contamination* shall mean an impairment of the quality of the water by entrance of any substance to a degree that could create a health hazard.
- (9) *Cross-connection* shall mean any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into another.
 - a. *Direct cross-connection* shall mean a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.
 - b. *Indirect cross-connection* shall mean a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.
- (10) *Double check valve assembly* shall mean an assembly composed of two single, independently acting check valves approved under ASSE Standard 1015. A double-check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.
- (11) *Fixed proper air gap* shall mean the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.
- (12) *Health hazard* shall mean any condition, device or practice in a water system of its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

- (13) *Inspection* shall mean a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.
- (14) *Non-potable water* shall mean water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 601 et seq.
- (15) *Plumbing* shall mean the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. "Plumbing" includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. "Plumbing" includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. "Plumbing" includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.
- (16) *Pollution* shall mean the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.
- (17) *Potable water* shall mean water which meets the requirements of 35 Ill. Adm. Code 601 et seq. for drinking, culinary, and domestic purposes.
- (18) *Potential cross-connection* shall mean a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.
- (19) *Process fluids* shall mean any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form of concentration such as would constitute a health, pollution, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:
 - a. Polluted or contaminated waters;
 - b. Process waters;
 - c. Used waters originating from the public water supply system which may have deteriorated in sanitary quality;
 - d. Cooling waters;
 - e. Questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
 - f. Chemicals in solution or suspension;
 - g. Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.
- (20) *Public water supply* shall mean all mains, pipes and structures through which water is obtained and distributed to the public, including, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use.
- (21) *Reduced pressure principal backflow prevention device* shall mean a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relieve valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must

include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

(22) *Service connection* shall mean the terminal end of a service connection from the Village water supply at its point of delivery to the consumer. If a meter is installed, "service connection" means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.

(23) *Survey* shall mean the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form and should not be an actual plumbing inspection.

(24) *System hazard* shall mean a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

(25) *Used water* shall mean any water supply by a public water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

(26) *Water purveyor* shall mean the owner or official custodian of the Village water system: the Village president, or their authorized representative.

Sec. 20-58.4. Water system description.

- (a) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.
- (b) The public water supply system shall consist of the source facilities and the distribution system and shall include all those facilities of the potable water system under the control of the Director of Public Works or their designee up to the point where the consumer's water system begins.
- (c) The source shall include all components of the facilities utilized in the treatment, storage, and delivery of water to the public water supply distribution system.
- (d) The public water supply distribution system shall include the network of conduits used to deliver water from the source facilities to the consumer's water system.
- (e) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

Sec. 20-58.5. General protection.

- (a) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to ensure proper operation on a continuing basis.
- (b) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the Village may enter the auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Director of Public works or their designee and the Illinois Environmental Protection Agency.
- (c) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

Sec. 20-58.6. Survey and investigations.

- (a) The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices and assemblies within the consumer's premises.
- (b) On request by the Director of Public Works or their designee, , the consumer shall furnish information regarding the piping system or systems, or water use within the customer's premises. The consumer's premises shall be open at all times to the Director of Public Works or their designee for the verification of information submitted by the consumer to the public water supply custodian regarding cross-connection survey or inspection results.
- (c) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on their premises to determine whether there are actual or potential cross-connections to their water system through which contaminants or pollutants could backflow into their own or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with the Illinois Plumbing License Law, ILCS Ch. 225, Act 320 § 3(1).
- (d) It is the responsibility of the water consumer to prevent backflow into the public water by ensuring that:
 - (1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
 - (2) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
 - (3) Testing and records.
 - a. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
 - b. Records submitted to the community public water supply shall be available for inspection by agency personnel in accordance with ILCS Ch. 415, Act 5 § 19.
 - c. Each device shall have a tag attached listing the date of the most recent test, name of CCCDI, and type and date of repairs.
 - d. A maintenance log shall be maintained and include:
 - 1. Date of each test;
 - 2. Name and approval number of person performing the test;
 - 3. Test results;
 - 4. Repairs or servicing required;
 - 5. Repairs and date completed; and
 - 6. Service performed and date completed.

Sec. 20-58.7. Where protection is required.

- (a) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the agency's regulations 35 Ill. Adm. Code 1130. In addition, an approved backflow prevention assembly shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Director of Public Works or their designee, actual or potential hazards to the public water supply system exists.

- (b) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:
 - (1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Director of Public Works or their designee and the source is approved by the Illinois Environmental Protection Agency.
 - (2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system, which are no longer under the sanitary control of the Village of Montgomery.
 - (3) Premises having internal cross-connections that, in the judgment of the Director of Public Works or their designee and the cross-connection control device inspector, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
 - (4) Premises where, because of security requirements or other prohibitions or restrictors, it is impossible or impractical to make a complete cross-connection survey.
 - (5) Premises having a repeated history of cross-connections being established or reestablished.
- (c) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the agency's regulations 35 Ill. Adm. Code 1130. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Director of Public Works or their designee determines that no actual or potential hazard to the public water supply system exists:
 - (1) Hospitals, mortuaries, clinics, nursing homes.
 - (2) Laboratories.
 - (3) Piers, docks, waterfront facilities.
 - (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
 - (5) Food or beverage processing plants.
 - (6) Chemical plants.
 - (7) Metal plating industries.
 - (8) Petroleum processing or storage plants.
 - (9) Radioactive material processing plants or nuclear reactors.
 - (10) Car washes.
 - (11) Pesticide, or herbicide or extermination plants and trucks.
 - (12) Farm service and fertilizer plants and trucks.

Sec. 20-58.8. Type of protection required.

- (a) The type of protection required under section 20-58.7 shall depend on the degree of hazard, which exists as follows:
 - (1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe (high) health hazard.
 - (2) An approved fixed proper air gap separation or an approved reduced pressure principal backflow prevention device shall be installed where the public water supply system may be contaminated with a substance that could cause a system or (high) health hazard.

- (3) An approved fixed proper air gap separation or an approved reduced pressure principal backflow prevention assembly, or a double check valve assembly, shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health (low health hazard).
- (b) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principal backflow preventers shall be installed on fire safety systems connected to the public water supply when:
 - (1) The fire safety system contains antifreeze, fire retardant or other chemicals;
 - (2) Water is pumped into the system from another source;
 - (3) Water flows by gravity from a non-potable source; or water can be pumped in the fire safety system from any other source;
 - (4) There is a connection whereby another source can be connected to the sprinkler system.
- (c) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service.

Sec. 20-58.9. Backflow prevention devices.

- (a) All backflow prevention devices or methods required by these rules and regulations shall be approved by the American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification, and listed in the Illinois Plumbing Code, 77 Ill. Adm. 890.
- (b) Installation of approved devices shall be made in accordance with the manufacturer's instructions and 35 Ill. Adm. Code 1130.802. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

Sec. 20-58.10. Inspection and maintenance.

- (a) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.
 - (1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or bypassed air gaps shall be made within 24 hours.
 - (2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter; and required service performed within 15 days.
 - (3) Reduced pressure principal backflow prevention devices shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five days.
- (b) Testing shall be performed by a person who has been approved by the Village as competent to service the device. Proof of approval shall be in writing.
- (c) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.
- (d) A maintenance log shall be maintained and include:
 - (1) Date of each test or visual inspection;
 - (2) Name and approval number of person performing the test or visual inspection;

- (3) Test results;
- (4) Repairs or servicing required;
- (5) Repairs and date completed; and
- (6) Servicing performed and date completed.

- (e) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by Section 20-58.10(a).
- (f) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Director of Public Works or their designee.

Sec. 20-58.11. Booster pumps.

- (a) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low-pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.
- (b) It shall be the duty of the water customer to maintain the low-pressure cut-off device in proper working order and to certify to the Director of Public Works or their designee, at least once a year that the device is operable.

Sec. 20-58.12. Violations.

- (a) The Director of Public Works or their designee shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Director of Public Works or their designee, or if it is found that the backflow prevention device has been removed or bypassed, or if any unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.
- (b) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Director of Public Works or their designee, and the required connection fee is paid.
- (c) Neither the Director of Public Works or their designee, or its agents or assigns shall be liable to any customers of the Village of Montgomery for any injury, damages, or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this chapter, whether or not said termination of the water supply was with or without notice.
- (d) The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or any improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.
- (e) Any person found to be violating any provision of these rules and regulations shall be served with written notice stating the nature of the violation. The offender shall bring the system into compliance to the satisfaction of the Director of Public Works or their designee.
- (f) Any person who has knowledge of a backflow into any potable water system or the public water system must report the backflow to the Public Works department immediately upon becoming aware of the backflow. Any person violating any of the provisions of these rules and regulations in addition to the fine provided, shall become liable to the Village of Montgomery for any expenses, loss or damage occasioned by reason of such violations, whether the same was caused before or after notice.

Sec. 20-59. Reserved.

ARTICLE IV. INDUSTRIAL WASTES

Sec. 20-60. Definitions.

(a) For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) *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 days at 20 degrees Centigrade, expressed in milligrams per liter.
- (2) *Control manhole* shall mean a structure specially constructed for the purpose of measuring flow and sampling of the wastes.
- (3) *District* shall mean the Fox Metro Water Reclamation District.
- (4) *District sewerage system* shall mean and include any or all of the following: the district's sewage treatment plant or plants, collecting, intercepting and outlet sewers, force mains, conduits, lateral sewers and extensions, pumping stations, ejector stations, and all other appurtenances, extensions, or improvements necessary or useful and convenient for the collection, treatment, and disposal, in a sanitary manner, of sewage and industrial wastes. The term also includes the disconnection of stormwater drains and constructing outlets therefor where, in any case, such work is necessary to relieve existing sanitary sewers of stormwater loads, in order to permit the efficient operation of such sanitary sewers for collection treatment and disposal of sewage and industrial wastes.
- (5) *Inspection manhole* shall mean any accessible manhole that can be used for the purpose of inspection, sampling and installation of flow meters, and is not a control manhole.
- (6) *Person* or *persons* shall mean any individual, public or private corporation, political subdivision, government agency, municipality, public or private institution, industry, co-partnership, association, firm, trust, estate or any other entity whatsoever.
- (7) *pH* shall mean the logarithm value of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (8) *Pollution* shall mean such alteration of the physical, chemical or biological properties of any waters of the Village of Montgomery and the Fox Metro Water Reclamation District, or such discharge of any liquid, gaseous or solid substance into any waters of the said Village and District as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish or other aquatic life.
- (9) *Suspended solids* shall mean solids that either float on the surface of or are in suspension in water, sewage, industrial wastes or other liquids, and which are removable by laboratory filtering.
- (10) *Village* shall mean the Village of Montgomery.
- (11) *Village sewerage system* shall mean the sewerage system under the jurisdiction of the Village which is tributary to the district's sewerage system and is connected thereto.
- (12) *Waters of the Village* shall mean all accumulations of water, surface and ground, natural or artificial, public or private, or parts thereof, which are wholly or partially within, flow through, or border upon the territory of the Village or which are within its jurisdiction.

Sec. 20-61. Public purposes enumerated.

The public purposes of this article are hereby declared to be:

- (a) To prevent pollution of the waters of the Village, the district, and the State of Illinois by prohibiting or regulating the discharge to the Village's sewerage system of inadmissible wastes or substances toxic to biological wastewater treatment processes;
- (b) To protect, preserve and maintain the sewerage system of the Village and sewerage systems connected therewith;
- (c) To render the sewage and effluent of the district and Village harmless, insofar as it is reasonably possible, to animal, fish and plant life;
- (d) To comply with the Village, district, state and federal water quality standards and shall from time to time be in effect; so as to conduce the preservation of the public health, comfort and convenience.

Sec. 20-62. Prohibited wastes generally.

No person shall discharge or cause to be discharged into the Village sewerage system or waters of the Village the following described wastes:

- (a) Liquids, solids or gases which by reason of their nature or quantity are sufficient to cause fire or explosion or be injurious in any other way to the Village or sewerage system connected therewith or to the operation of such systems.
- (b) Solid or viscous wastes which cause or are likely to cause obstruction to the flow in the Village sewerage system or district sewerage system or cause other interference with the proper operation of such sewerage systems or the treatment works, such as ashes, cinders, sand, mud, straw, shavings, whole blood, paunch manure, hair and fleshings, entrails, tar, metal, glass, rags, feathers, plastics, wood, acids, dye stuffs, fuller's earth, lime slurries, lime residues, unshredded garbage, construction drainage, grease, bone, stone or marble dust grass clippings, spent grain, waste paper, wood, gas tar, aluminum, asphalt residues, residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances.
- (c) Water or wastes having a pH lower than 6.0 or higher than 9.0 or having corrosive properties sufficient to cause damage or hazards to structures, equipment or personnel or the said sewerage systems or of interfering with the proper operation of the said sewerage systems.
- (d) Liquids, vapors or other wastes having a temperature higher than 150 degrees Fahrenheit at the point of entrance into the said sewerage systems shall be discharged into the said sewerage systems only after written permission to do so has been received from the general superintendent for the district.
- (e) Noxious or malodorous liquids, gases or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (f) Water or wastes containing toxic substances in quantities which are sufficient to interfere with the biological processes of the sewage treatment works.
- (g) Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under conditions normally prevailing to the said sewerage systems and with no particle greater than one-half inch in any dimension.
- (h) Radioactive wastes unless they comply with the rules and regulations in effect as issued by the Atomic Energy Commission.
- (i) Acid, iron pickling wastes and concentrated plating wastes.

Sec. 20-63. Restrictions concerning discharge of certain industrial wastes containing specific chemicals or substances.

(a) Industrial wastes containing the chemicals or substances listed below shall be subject to the following limits and flows rated in terms of gallons per day and the concentration of such chemicals or wastes shall be rated in parts per million as follows:

Group I—10,000 gallons per day or less

<i>Chemicals or wastes</i>	Concentration in parts per million
Arsenic	1.0
Chrome—6 hex	3.5
Chrome—3 tri	7.0
Coppers	1.0
Iron—total	10.0
Lead	0.3
Nickel	3.0
Zinc	1.0
Cadmium	1.00
Phenol	0.5
Oil-total	100.0
Aluminum	800.00
Cyanide	2.0
5 day B.O.D.	300.0
Suspended solids	400.00

Group II—10,000 to 50,000 gallons per day or less

<i>Chemicals or wastes</i>	Concentration in parts per million
Arsenic	0.5
Chrome* hex.	2.0
Chrome—3 tri	4.0
Copper	0.8

Iron—total	7.5
Lead	0.2
Nickel	3.0
Zinc	0.75
Cadmium	0.75
Phenol	0.25
Oil—total	75.0
5 day B.O.D.	275.0
Suspended solids	350.0
Aluminum	700.0
Cyanide	1.5

Group III—50,000 to 300,000 gallons per day

<i>Chemicals or wastes</i>	Concentration in parts per million
Arsenic	0.25
Chrome* hex.	1.00
Chrome—3 tri	2.00
Copper	0.70
Iron—total	5.00
Lead	1.00
Nickel	3.00
Zinc	0.50
Cadmium	0.50
Phenol	0.12
Oil—total	60.00
5 day B.O.D.	250.00
Suspended solids	300.00
Aluminum	600.00
Cyanide	1.0

Group IV—300,000 gallons or more per day

<i>Chemicals or wastes</i>	Concentration in parts per million
Arsenic	0.2
Chrome—6 hex	0.50
Chrome—3 tri	1.00
Copper	0.50
Iron—total	2.50
Aluminum	500.00
Cyanide	0.5

5-day BOD)	
Suspended solids)	
Lead Zinc Oil)))	Only in such quantities as is approved in writing by the district.

(b) Unless otherwise provided by the Village, clean waters from air conditioning, cooling or condensing systems or from swimming pools or clean waters resulting from pretreatment of industrial wastes may be discharged to a storm sewer, combined sewer or natural outlet approved by the Village.

Sec. 20-64. Measurement of flow.

(a) Industrial flows shall be measured in gallons per day (gpd). Industry shall, when required by the Village, install at its own expense, such control and/or inspection manholes, automatic samplers and flow measuring devices as are reasonably required to carry out the provisions and intent of this article.

Plans for the location, type, and construction of such manholes, samplers and measuring devices shall be approved by the district prior to installation.

(b) All flows of industrial wastes from new, old, or relocated plants which enter said sewerage system or the waters of the Village shall be subject to periodic review and approval by the Village. Following such review, the Village may:

- (1) Reject the wastes;
- (2) Require pretreatment of such wastes so as to comply with this article;
- (3) Require control of the quantities and rates of discharge;
- (4) Apportion and collect from the producer thereof, fair additional construction, maintenance, and operating costs, over and above those covered by normal taxes.

Sec. 20-65. Enforcement.

- (a) *Order to discontinue discharge; notice; hearing.* Whenever the Village Engineer or Director of Public Works or their designees shall determine that sewage or industrial wastes or other wastes are being discharged into any of the waters of the Village, or the Village sewerage system, and when in the opinion of the Village Engineer or Director of Public Works or their designees such discharge pollutes the waters of the Village or District, or interferes with the operation of the sewerage system of the Village or District, the Village Engineer or Director of Public Works or their designees may order whosoever causes such discharge to show cause before the Village President and Board of Trustees why such discharge should not be discontinued. To that end a notice shall be served on the offending party directing them to show cause why an order should not be made directing the discontinuance of such discharge. Said notice shall specify the time and place where a hearing will be held and notice of the hearing shall be served personally or by registered mail at least five days before said hearing. In the case of a municipality or a corporation, such service shall be upon an officer thereof. The Village President and Board of Trustees may take evidence with reference to said matter and, after reviewing such evidence may issue an order to the party responsible for such discharge, directing that within a specified period of time thereafter such discharge be discontinued unless adequate treatment works shall have been installed, or existing adequate treatment works be properly operated or unless the sewers through which such discharge is made are connected to a system of intercepting sewers to the sewage treatment works of the district in such manner as directed by the Village President and Board of Trustees. The foregoing procedure shall be applicable to the provisions of subsection (b) herein.
- (b) *Revocation, modification of permit.* The Village may recommend that any permit authorized and issued under the provisions of any ordinance of the Fox Metro Water Reclamation District be revoked or modified after notice and hearing as provided herein and when necessary to prevent pollution of the waters of the Village or district or to prevent interference with the operation of the said sewerage system.
- (c) *Violation of order to be considered nuisance.* If any person, firm, association or corporation discharges sewage or industrial wastes or other wastes into the aforesaid waters of the Village or district, or said sewerage systems contrary to the orders of the board of trustees, the board of trustees may commence action in the circuit court in and for Kane or Kendall County, for the purpose of having such discharge stopped either by mandamus or injunction.

Sec. 20-66. Penalties.

- (a) Action to impose fines for violations of this article shall be brought in the corporate name of the Village as plaintiff. Such action shall commence with a complaint or a warrant. A warrant may be issued upon execution of an affidavit by any person alleging that he has reasonable grounds to believe that the person to be named in the warrant has violated a provision of this article.
- (b) Any person who shall violate any of the provisions of this article shall be liable to a penalty of not less than \$75.00 nor more than \$750.00 for each offense and a similar sum for each subsequent violation. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. In addition, thereto, such person, firm, association or corporation may be enjoined from continuing such violation.
- (c) Such fines, when collected, shall be paid into the Village's general corporate fund for its general corporate purposes.