

## CHAPTER 20

### VILLAGE UTILITY SERVICE RATE AND CHARGE CODES

#### ARTICLE I: GENERAL

##### Sec. 20-0. GENERAL - APPLICABILITY.

The provisions of this Chapter shall apply to all persons residing in the Village of Orangeville, present and future, who have any stated, implied or incurred jurisdiction, liability or responsibility regarding the implementation, enforcement, and compliance with any and all of the articles of this Chapter.

##### Sec. 20-1. GENERAL - PURPOSE.

The purpose of this Chapter is to establish reasonable and comprehensive utility service rate and charge Codes for the Village.

##### Sec. 20-2. GENERAL - TERMS and DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT.** The term "Act," when used herein, shall mean the Federal Water Pollution Control Act, as amended, 33 U.S.C. *et seq.*

**ADMINISTRATOR.** The term "Administrator," when used herein, shall mean the Administrator of the U.S. Environmental Protection Agency.

**APPROVING AUTHORITY.** The term "Approving Authority," when used herein, shall mean the President and Village Board of the Village of Orangeville acting by and through the Waterworks Superintendent, being their duly authorized agent or representative.

**BASIC USER CHARGE.** The term "Basic User Charge," when used herein, shall mean the basic assessment levied on all users of the public sewer system.

**BILLING.** The term "Billing," when used herein, shall mean the preparation and mailing of water and/or sewer bills for services provided to premises by the Village Clerk's Office, and the date of billing shall be determined by the date the bill is prepared and mailed by the Village Clerk regardless of when the bill is received.

**COMPATIBLE POLLUTANT.** The term "Compatible Pollutant," when used herein, shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified on the NPDES permit.

**CONTROL MANHOLE.** The term "Control Manhole," when used herein, shall mean structure located on a site from which industrial wastes are discharged. The purpose of a "control manhole" is to provide access for a Village Representative to sample and/or measure discharges.

**DIRECTOR.** The term "Director," when used herein, shall mean the chief administrative officer of the State of Illinois Environmental Protection Agency.

**FEDERAL GRANT.** The term "Federal Grant," when used herein, shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II - Grants for Construction of Treatment Works of the Act.

**INCOMPATIBLE POLLUTANT.** The term "Incompatible Pollutant," when used herein, shall mean any pollutant which is not a compatible pollutant as defined in "compatible pollutant."

**INDUSTRIAL USER.** The term "Industrial User," when used herein, shall mean any non-governmental user of publicly owned treatment works that discharge wastes to the sanitary sewer system other than domestic waste or waste from sanitary conveniences. Any user can discharge thirty (30) gallons per day per person employed without that portion being considered industrial waste.

**MAJOR CONTRIBUTING INDUSTRY.** The term "Major Contributing Industry," when used herein, shall mean an industrial user of the publicly owned treatment works that: **(1)** has a flow of fifty-thousand (50,000) gallons or more per average workday; **(2)** has a flow greater than five-percent (5%) of the flow carried by the municipal system receiving the waste; **(3)** has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307a of the Act; or **(4)** is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

**MILLIGRAMS PER LITER.** The term "Milligrams Per Liter," when used herein, shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in one-thousand (1,000) ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

**NPDES PERMIT.** The term "NPDES Permit," when used herein, shall mean any permit or equivalent document or requirements issued by the Administrator, or, where appropriate by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Act.

**PPM.** The term "PPM," when used herein, shall mean parts per million by weight.

**POPULATION EQUIVALENT.** The term "Population Equivalent," when used herein, shall mean a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is one-hundred (100) gallons of sewage per day, containing 0.17 pounds of biochemical oxygen demand (BOD) and 0.20 pounds of suspended solids. The impact on a treatment works is evaluated as the equivalent of the highest of the three parameters. Impact on a stream is the higher of the BOD and suspended solids parameters.

**PRETREATMENT.** The term "Pretreatment," when used herein, shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

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

**SERVICE.** The term "Service," when used herein, shall mean water and/or sewer service provided to individual premises by the Village, and the term shall be inclusive of whatever service or services may be provided to the premises, whether water service alone, sewer service alone, or both services, as the case may be.

**STANDARD METHODS.** The term "Standard Methods," when used herein, shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Associations.

**STORMWATER RUNOFF.** The term "Stormwater Runoff," when used herein, shall mean that portion of the rainfall that is drained into the sewers.

**SURCHARGE.** The term "Surcharge," when used herein, shall mean the assessment in addition to the basic user charge and debt service charges which is levied on those persons whose wastes are greater in strength than the concentration values established in Section 20-3.

**USEFUL LIFE.** The term "Useful Life," when used herein, shall mean the estimated period during which the treatment works will be operated and shall be twenty (20) years from the date of start-up of any wastewater facilities constructed with a federal grant.

**USER CHARGE.** The term "User Charge," when used herein, shall mean a charge levied on users of treatment works for the cost of operation and maintenance including replacement, and shall consist of both basic user charges and surcharges as defined above.

USER CLASS. The term "User Class," when used herein, shall mean the type of user either "residential or commercial" or "industrial" as defined in "industrial user."

VILLAGE. The term "Village," when used herein, shall mean the Village of Orangeville, and any reference to "within the Village" shall mean all territory within the perimeter of the Village of Orangeville boundaries.

WATERWORKS AND SEWERAGE FUND. The term "Waterworks and Sewerage Fund," when used herein, shall mean the principal accounting designation for all revenues received in the operation of the waterworks and/or sewerage system. These revenues shall be segregated so that water system revenues shall be credited to the waterworks account of the waterworks and sewerage fund and revenues of the sewerage system shall be credited to the sewerage account of the waterworks and sewerage fund.

Sec. 20-3. GENERAL - SEVERABILITY.

The articles, paragraphs, sentences, clauses and phrases of this Village Board are severable, and if any phrase, clause, sentence, paragraph or section of this Village Board shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Village Board.

Sec. 20-4 through Sec. 20-10. RESERVED

**ARTICLE II. RATES AND CHARGES (RC)**

Sec. 20-11. RC - WATER SERVICE CHARGES AND CONNECTION FEES.

The Village shall establish appropriate and necessary rates or charges for all aspects of service, supply and use of the Village's supplied potable water services by the Village residents and businesses. As of 12/07/09 the rate computation determination shall be as follows: **(1)** Within the corporate limits the metered residential, commercial, and industrial water service charge per monthly period shall be: **(a)** Three dollars, forth-five-cents (\$3.45) per one-thousand, two-hundred (1,200) gallons used per month; and **(b)** one-dollar, seventy-three-cents (\$1.73) per thousand (1,000) gallons used in excess of two-thousand (2,000) gallons per month, or any part thereof; and **(c)** there shall be a minimum charge for two-thousand (2,000) gallons per month for all users. **(2)** Within the corporate limits the un-metered residential, commercial, and industrial water service charge per monthly period shall be: eight-dollars, sixty-three-cents (\$8.63), which shall be based on an estimated consumption of five-thousand (5,000) gallons used per month. **(3)** Each user of the Village's waterworks system outside the corporate limits shall be charged **(a)** six-dollars, ninety-cents (\$6.90) for the first two-thousand (2,000) gallons used, and **(b)** three-dollars,

forty-five-cents per thousand (1,000) gallons used in excess of two-thousand (2,000) gallons per monthly period.

(B) All new water connections to the Village water system shall pay a seven-hundred, fifty-dollar (\$750.00) inspection and connection fee for each new connection made to the Village's water system. This connection fee shall be paid to the Village before any building permit shall be issued, provided, however, that the fee required under this section shall be waived in the event the proposed connection is eligible for a combined fee under Section 20-11 of this Code.

Sec. 20-12. RC - WASTEWATER SERVICE CHARGES AND CONNECTION FEES.

The Village shall also establish appropriate and necessary rates or charges for all aspects of service and use of the Village's wastewater services by the Village residents and businesses. The computation for rate determination shall be as follows:

A. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge for operation and maintenance plus replacement, and a surcharge, if applicable.

B. The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations: (a) a five (5) day twenty (20) degree centigrade (20C) biochemical oxygen demand (BOD) of two-hundred (200) mg/l; and (b) a suspended-solids content of two-hundred-fifty (250) mg/l.

C. It shall consist of operation and maintenance costs plus replacement and shall be computed as follows: **(1)** estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund, for the next fiscal year for all works categories; **(2)** proportion the estimated costs to wastewater facility categories by volume, suspended solids and BOD<sub>5</sub>; **(3)** estimate wastewater volume, pounds of SS and pounds of BOD<sub>5</sub>, to be treated; **(4)** compute unit costs for volume (dollars per one-thousand-gallons (1,000gal)) for SS (dollars per pound) and for BOD<sub>5</sub>, (dollars per pound); and **(5)** compute costs per one-thousand-gallons (1,000gal) for volume, SS, and BOD at normal sewage strength. Add these costs to determine the charge for operation and maintenance including replacement.

D. A surcharge will be levied to all users whose waste exceeds the normal concentrations for BOD (200 mg/l) and SS (250 mg/l). **(a)** The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the two-hundred (200) mg/l and two-hundred-fifty (250) mg/l concentration for BOD and SS respectively. **(b)** This Subchapter specifies the procedure to compute a surcharge. The BOD surcharge rate shall be six-cents (\$.06) per pound, and the SS surcharge rate shall be five-cents (\$.05) per

pound. **(c)** The wastewater service charge shall be reviewed annually by certified public accountants to the Village in their audit report. It shall be revised periodically to reflect a change in debt service or a change in operation and maintenance including replacement costs.

E. Measurement of flow shall be defined and determined as follows: **(1)** the volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of one-hundred-gallons (100gal); **(2)** if the person discharging waste into the public sewers procures any part, or all, of his water from sources other than the public waterworks system, all or part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Superintendent for the purpose of determining the volume of water obtained from these other sources; and **(3)** devices for measuring the volume of waste discharged may be required by the Superintendent if these volumes cannot otherwise be determined from the metered-water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the Superintendent.

F. A wastewater service charge is hereby established. It shall consist of a minimum charge and a basic metered user and un-metered user rate for the use of and for the service supplied by the wastewater system of the Village. The charge calculations and policies are: **(1)** users having metered wastewater service shall be charged a monthly rate of three-dollars, seventy-five-cents (\$3.75) per two-thousand (2,000) gallons. An additional one-dollar, twenty-five-cents (\$1.25) shall be charged for every one-thousand (1,000) gallons used above the two-thousand (2,000) gallon limit. Additionally, there shall be a Capital Improvement fee of one-dollar (\$1.00) for every one-thousand (1,000) gallons, and a Debt Service fee of two-dollars (\$2.00) for every one-thousand (1,000) gallons. The minimum monthly charge for wastewater service shall be based on and charged for two-thousand (2,000) gallons; **(2)** Un-metered wastewater service users, whose rates shall be based on an estimated consumption of five-thousand (5,000) gallons monthly, shall be charged twenty-two-dollars, fifty-cents (\$22.50) monthly; **(3)** users of the Village's waterworks outside the corporate limits shall have a surcharge of one-hundred-percent (100%) added to the bill rendered for any service described above. In the event any debt is owed as a result of any improvement to the waterworks system, any such surcharge shall be allocated to debt service only and shall not be used for operation, maintenance, or replacement costs, until such debt is fully paid; **(3)** the users of wastewater treatment services will be notified annually, in conjunction with a regular billing, of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance, and replacement; and **(4)** the Illinois Environmental Protection Agency, United States Environmental Protection Agency, or an authorized representative of either of the aforementioned organizations shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges

for the purpose of making audits, examinations, excerpts, and transcriptions thereof to insure compliance with the terms of the special and general conditions to any state grant, and/or federal regulations and conditions of a federal grant.

G. A wastewater connection fee is hereby established. All new sewer connections to the Village sanitary sewer system shall pay a five-hundred, fifty-dollars (\$550.00) inspection and connection charge for each new connection made to the Village's sanitary sewer system. This connection fee shall be paid to the Village before any building permit shall be issued; provided, however, that the fee required under this Section shall be waived in the event the proposed connection is eligible for a combined fee under Section 20-4 of this Code. All sanitary sewers shall be installed in compliance with regulations and specifications of the Village and State at the connecting party's expense.

H. Computation of surcharge.

(1) The surcharge per person shall be computed by the following formula:

$$S = V (0.00834) (A(\text{BOD}-200) + B(\text{SS}-250))$$

Where:

S	=	Amount of surcharge (\$)
V	=	Wastewater volume in thousand gallons per billing period
0.00834	=	Unit weight of water x 10 <sup>-6</sup> per thousand gallons
A	=	Unit charge per lb. for BOD <sub>5</sub> , per lb.
BOD <sub>5</sub>	=	5-day biochemical oxygen demand, mg/l
200	=	Allowable BOD <sub>5</sub> , strength
B	=	Unit charge per lb. of SS, mg/l
250	=	Allowable SS, mg/l

(2) The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Superintendent and shall be binding as a basis for surcharges. Sampling stations shall be provided and maintained by the person.

I. Computation of wastewater service charge. The wastewater service charge per person shall be computed by the following formula:  $W = VR+S$

Where:

W	=	Amount of wastewater service charge (\$) per billing period
V	=	Wastewater volume in 100 gallons per billing period
R	=	Basic user rate for operation, maintenance and replacement
S	=	Amount of surcharge

Sec. 20-14. RC - BILLS.

(A) All charges for water and sewer service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable for the water and sewer service furnished to such premises, 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 services are jointly and severally liable for such services to the Village.

(B) Bills for water and/or sewer service shall be sent out by the Village Clerk once a month, and shall cover the immediate previous month for which service was furnished plus any unpaid bills and/or charges. All water and/or sewer bills are due and payable the first day of the month following billing. A penalty of ten-percent (10%) shall be added to all bills not paid by the first day of the month when due. The Village's receipt of partial payment for a water and sewer bill from an occupant, owner or user of water and sewer services shall not bar the Village from terminating service to the premises for sums due and owing longer than sixty (60) days and/or seeking the remaining balance due through the means set forth in this Subchapter.

(C) A twenty-dollar (\$20.00) charge shall be assessed against any owner, occupant or user of water and sewer utilities who tenders a check to the Village which is returned NSF (insufficient funds) by any financial institution. The twenty-dollar (\$20.00) charge shall be considered a part of the unpaid charges and recoverable by the Village in like manner.

(D) A ten-dollar (\$10.00) fee shall be charged for reactivating service to premises which are used by an occupant or owner on a seasonal basis and for which service is voluntarily deactivated.

Sec. 20-15. RC - DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the Village to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The Village's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect: **(1)** that all bills are due and payable on or before the date set forth on the bill; **(2)** that if any bill is not paid by or before the date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten (10) days of the mailing of the second bill, service will be discontinued for nonpayment; and **(3)** that any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Request for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least thirty (30) days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of twenty-dollars (\$20.00).

#### Sec. 20-16 RC - CONSTRUCTION CONTRACTORS.

During construction of any building, and before any water meter is installed, as is herein provided, the contractor so constructing such building may be permitted to use the Village water supply by making application therefore, and paying the flat fee prescribed by the Village Board.

#### Sec. 20-17. RC - REMEDIES FOR DELINQUENCY.

(A) If charges for services are not paid within sixty (60) days for monthly service, the Village may exercise its option as set forth in ILCS Ch. 65, Act 5, § 11-139-8, as amended, to sue the consumer, occupant or user of the utility services to recover all monies due for the water and sewer services provided to the premises, plus reasonable attorney's fees. This remedy shall be in addition to any termination of water and sewer services pursuant to Sec. 20-6 of this Village Board.

(B) (1) The Village shall be authorized to file a property lien for delinquent charges against the subject real estate with the Stephenson County Clerk and Recorder according to the provisions set forth in ILCS Ch. 65, Act 5, § 11-139-8. However, prior to filing such lien, the owner of the real estate, as referenced by the taxpayer's identification number, shall be sent a notice by certified mail to the mailing address of record for property tax bills, which sets forth the amount of the delinquency and the period of time for which water and sewer services were rendered along with notice of the identity of the person or entity to whom prior notice of a delinquency in payment for water and sewer service was sent; notice that unpaid utility charges may create a lien on the real estate pursuant to ILCS Ch. 65, Act 5, S 11-139-8. The Village shall also apprise the owner(s), as identified by the taxpayer's identification number, that the owner has fourteen (14) days in which to remedy the delinquency, and that a property lien is in addition to, not in lieu of, other remedies which the Village may utilize to recover monies due for services rendered.

(2) Pursuant to the provisions of ILCS Ch. 65, Act 5, § 11-139-8, any property lien filed shall contain a legal description of the real estate, a statement as to the amount of money due the

Village for the services provided, and the date when such amount became delinquent. Notice of the lien shall be provided to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number.

Sec. 20-18. RC - FORECLOSURE OF LIEN.

Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, pursuant to the provisions of ILCS Ch. 65, Act 5, § 11-139-8 regarding foreclosure of liens upon real estate for which water and sewer charges or rates have been furnished. Such foreclosure shall be brought in the name of the Village as provided by state statute. The attorney hired by the Village is hereby authorized and directed to institute such proceedings in the name of the Village in a court of proper jurisdiction over such matters against any property against which a lien has been filed.

Sec. 20-19. RC - REVENUES.

(A) All revenues and moneys derived from the operation of the waterworks system shall be deposited in the waterworks account of the combined waterworks and sewerage fund and all revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the waterworks and sewerage fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village, and all of said sum, without any deductions whatever, shall be delivered to the Village Treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time-to-time be directed by the President and Village Board.

(B) The Village Treasurer shall receive all such revenues from the waterworks and sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in separate accounts of the fund designated as the "Waterworks and Sewerage Fund to the Village of Orangeville," said Treasurer shall administer such fund in every respect in the manner provided by the Illinois Municipal Code, ILCS Ch. 65, Act 5.

Sec. 20-20. RC - ACCOUNTS.

All accounts established as a result of the Village's water and sewer works, shall be managed as follows:

(A) The Village Treasurer 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 waterworks and sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the waterworks and sewerage system.

(B) In addition to the customary operating statements, the annual audit report shall also reflect the separate revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the cost recovery system and capital amounts required to be recovered under the industrial cost recovery system due in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following: **(1)** flow data showing total gallons received at the wastewater plant for the current fiscal year; **(2)** billing data to show total number of gallons billed; **(3)** debt service for the next succeeding fiscal year; **(4)** number of users connected to the system; **(5)** number of non-metered users; and **(6)** a list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

(C) The annual audit report shall contain such other financial information consistent with future guidelines to be promulgated by the U.S. Environmental Protection Agency.

Sec. 20-21. RC - INJUNCTIVE REMEDIES.

The Village shall have the right to seek a civil action for an injunction to restrain violations of this Subchapter and to require compliance with all Village and state laws, rules and regulations. The Village shall also have the right to reasonable attorney's fees for maintaining such a civil action. The Village shall not seek injunctive relief to restrain violations of this Subchapter or to require affirmative action on the part of an occupant, user or property owner to bring the property into compliance with state or Village statutes, rules and/or regulations unless the Village has first advised the owner of record of the property, as referenced by the taxpayer's identification number for the real estate, by certified letter or a notice posted on the premises of the violation(s) which the Village seeks to remedy.

Sec. 20-22. RC - INJUNCTIVE RELIEF FOR DISCHARGE OF POLLUTANTS.

The Village may, upon discovering an ongoing or potential discharge of pollutants into the Village water and sewer system which appears to present an imminent danger to the health or welfare of persons, seek and obtain from the Circuit Court of Stephenson County a temporary restraining order or preliminary injunction to halt or prohibit such discharge. Prior to the filing of such petition, the Village shall use reasonable means to give the offending party informal notice of the Village's intention to seek injunctive relief, unless an emergency exists. Methods of informal notice may include, but need not be limited to, a personal conversation with the discharger, telephone calls, letters, hand-delivered messages, or notices posted at the

discharger's premises; however, notice, whether formal or informal, shall not be a condition precedent to the Village's right to seek and obtain injunctive relief.

Sec. 20-23 through Sec. 20-30. RESERVED.

### **ARTICLE III: ADMINISTRATION AND ENFORCEMENT (AE)**

Sec. 20-31. AE - RIGHT OF ENTRY.

The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this Village Board.

Sec. 20-32. AE - COLLECTION INFORMATION.

The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Sec. 20-33. AE - OBSERVANCE OF SAFETY RULES.

While performing the necessary work on private properties in the Village, the Superintendent or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the employees, and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

Sec. 20-34. AE - ENTRY AND WORK IN CONFORMANCE WITH EASEMENT.

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

Sec. 20-35. AE - NOTICE OF VIOLATION; STOP WORK.

Whenever it is found that any party is violating any of the provisions or requirements set out in this Chapter, a written notice, stating the offense and setting a time limit not to exceed thirty (30) days for the correction thereof, shall be served upon the offender by the Village. The offender shall, within the time limit stated in the notice served upon him, forever cease all violations. The Village may recover costs and reasonable attorney's fees incurred to enforce this Chapter.

Sec. 20-36 through Sec. 20-98. RESERVED.

#### **ARTICLE IV: PENALTIES**

Sec. 20-99. PENALTY.

A. All penalties addressed by this article are applicable only upon conviction of the referenced violation in the appropriate legal forum. Upon conviction, the Village shall also be entitled to reasonable fees and costs for its part in the adjudication.

B. The penalties for violation of Article II, Sections 20-15, 20-17, 20-18, 20-21, 20-22 and 20-35 shall be as stated in each Section's narrative. If a specific Section references an undisclosed amount for a fine, then the amounts stated in "D" below shall prevail.

C. In addition to the penalties set forth above, any person who shall damage any portion or component of the Village's water works by violating any provision of this Chapter, or otherwise, shall be civilly liable to the Village for such damages and the full cost of repairs.

D. Whenever in this Chapter or in any Section of this Chapter an act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of this Chapter, or whenever in such statute the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor or a violation therefor, the violation of any such provision of this Chapter or any statute herein shall be punishable by a fine of not less than ten-dollars (\$10.00), nor more than seven-hundred, fifty-dollars (\$750.00). Each day any violation of any provision of the Chapter or any statute of the Chapter continues, consecutive or not, shall constitute a separate offense. Regardless of the number of total days of violation, any fine shall not exceed three-thousand-dollars (\$3,000.00).