

CITY OF FREEPORT

STEPHENSON COUNTY, ILLINOIS

ORDINANCE NO. 2017-44

**AN ORDINANCE AMENDING TITLE FOUR UTILITIES, CHAPTER 1042 WATER GENERALLY OF THE
CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS REMOVING REFERENCE TO THE
BOARD OF WATER AND SEWER COMMISSIONERS AND ADDING CITY MANAGER**

ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF FREEPORT, ILLINOIS

THIS ____ DAY OF _____, 2017

Published in pamphlet form by authority of the

City Council of the City of Freeport,

Stephenson County, Illinois, this

____ day of _____, 2017.

AN ORDINANCE AMENDING TITLE FOUR UTILITIES, CHAPTER 1042 WATER GENERALLY OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS REMOVING REFERENCE TO THE BOARD OF WATER AND SEWER COMMISSIONERS AND ADDING CITY MANAGER

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WHEREAS, the City of Freeport, Illinois ("City") has Codified Ordinances of the City (the "Code"); and

WHEREAS, Title Four, Utilities, Chapter 1042 of the Code governs general water regulations within the City; and

WHEREAS, the City recently passed an ordinance repealing Chapter 258 Board of Water and Sewer Commission; and

WHEREAS, further revisions to specific sections of Chapter 1042 are necessary to amend those sections to remove reference to the Board of Water and Sewer Commissioners and to provide for the position of City Manager; and

WHEREAS, the City Council specifically finds that this ordinance amending specific sections of Chapter 1042 removing reference to the Board of Water and Sewer Commissioners and adding reference to the City Manager to be in the best interests of the public health, safety, morals and general welfare of the residents of the City of Freeport.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS as follows:

Section 1. The above-recitals are incorporated herein and made a part hereof.

Section 2. That Chapter 1042, Section 1042.01 of the Code regarding the Definitions is hereby amended to read as follows:

"1042.01 DEFINITIONS.

As used in this chapter:

(a) "Approved service connection" means an individual service pipe, corporation stop, curb stop and box or individual service pipe to the curb line with gate valve and box, for any single premises.

~~(b) "Board" means the Board of Water and Sewer Commissioners or its duly authorized representatives.~~

(b) "Commercial user" means transit lodgings, retail and wholesale establishments or places engaged in selling merchandise or rendering services.

(c) "Customer" means the water user or applicant for water service for any premises which is, or is about to be, supplied with water by the Department.

(d) "Department" means the Water and Sewer Department of the City.

(e) "Industrial user" means establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

(f) "Manager" means the City Manager of the City of Freeport. Executive Director of the Board of Water and Sewer Commissioners.

(g) "Multiple occupancy" means an occupancy by two or more families, firms, corporations or associations.

(h) "Owner" or "owners" means the person or entity having legal title to the premises which is, or is about to be, supplied with water by the Department.

(i) "Premises" or "single premises" means a tract of land with one building constructed for single or multiple occupancy or a tract of land with two or more buildings having single occupancy.

The terms "premises" or "single premises" shall not apply to individual trailer courts, parks or camps where the tract of land is occupied by more than one trailer.

(j) "Public user" means schools, churches, penal institutions and users associated with Federal, State and local governments.

(k) "Residential user" means all dwelling units, such as houses, mobile homes, apartments and permanent multifamily dwellings.

(l) "Single occupancy" means occupancy by one family, firm, corporation or association.

(m) "Tenant" means any customer occupying premises under lease or tenancy from the owner or person holding under the owner."

Section 3. That Chapter 1042, Section 1042.04 of the Code regarding Service Pipe Connections Generally, Stop Boxes is hereby amended to read as follows:

"1042.04 SERVICE PIPE CONNECTIONS GENERALLY; STOP BOXES.

(a) All applications for a water service pipe connection shall be made at the office of the Water and Sewer Department, in writing, on forms furnished by the Department, by the owner or duly authorized agent of the owner of the premises to be supplied, and shall state truly and fully the uses to which the water is to be supplied, the size of the connection desired and the correct lot, block and street number of the premises to be supplied. The Department will install a service pipe of such materials and size as it shall deem necessary, provided, however, that no service connection shall be smaller than one inch. The service connection charge for a one-inch connection shall be one thousand six hundred dollars (\$1,600) if no crossing of a street is involved. If crossing a street is involved, then the service connection charge shall be three thousand two hundred dollars (\$3,200). Whenever a new water main extension is constructed on any street which previously did not have a water main, the charge for a one-inch service connection shall be eight hundred dollars (\$800.00) if the application for the service is made by the property owner or duly authorized agent prior to the construction of the new main extension, so that the service connection can be installed at the same time as and during the

construction of the next extension. Service connections larger than one inch will be made at actual cost, plus twenty percent for overhead expenses, computed after the installation. For one-inch installations, if obstructions, such as large storm sewers, conduits, rocks or other problems are encountered, the Department may charge the actual cost of the installation plus twenty percent for overhead expenses.

(b) The service pipe will be extended from the main to a point inside the curb line.

All piping beyond the service curb shut off or curb line is part of the plumbing and must be installed by the plumber employed by, and at the cost of, the applicant.

(c) Whenever a plumber has completed work on a new installation, such person shall leave the water turned off at the curb stop.

(d) Each single premises is required to have its own individual service connection, and no premises shall be supplied by more than one service pipe other than for a private fire protection service, except by special written approval of the Manager.

(e) If more than one service connection is installed with Departmental approval to supply a single premises, the piping system on one connection shall not be connected with the other except with the express permission of the Manager.

(f) The service shut off boxes shall be under the sole control of the Department, and no one, except an employee or person authorized by the Department, shall open the cover of such stop box or turn on or turn off water. However, licensed plumbers may turn on or turn off water for testing plumbing or making repairs, but whenever so used the curb shut off or gate valve shall be left closed if found closed, or open if found open.

(g) An owner of premises without an individual approved water service connection, or which may otherwise not conform to the requirements of this chapter at the time of passage, may be required to install a service connection, shut off, gate valve or other changes to conform to this chapter, as may be required by the Manager of the Department.

(h) Service pipe shall be installed only from the main in the street adjacent to the premises to be served.

(i) Application for a service pipe will be accepted subject to there being a City water main adjacent to the premises to be served, and the Department shall not be obligated to extend its mains to serve property to which no City main is adjacent.

(j) Upon application to the ~~City Board of Water and Sewer Commissioners~~ for a water main extension, such extension may be made under the rules and regulations adopted by the **City Council Board**.

(k) Application for a service pipe installation will be accepted between November 1 and April 1, only if the applicant agrees to pay any excess cost attributable to adverse weather conditions during the installation period.

(l) Individual trailer courts, parks or camps may be served with one metered water service connection.

(m) Individually or privately-owned shopping centers, apartment complexes and institutional and manufacturing sites with more than one building and with no easement or public dedication, may be served with one water service connection. The number of connections shall be determined by the Department and by special approval of the ~~Board~~ **City Council.**"

Section 4. That Chapter 1042, Section 1042.08 of the Code regarding the Consumer Cash Deposits is hereby amended to read as follows:

“1042.08 CONSUMER CASH DEPOSITS.

(a) When application is made for a new account, a deposit shall be required per posted schedule, as approved by the **Manager** ~~Water and Sewer Commission~~ from time to time, to secure payment of the water bill. The deposit may be retained by the department so long as the applicant secures water service, unless financial responsibility is established, which is defined as twelve consecutive months of on-time payments of the monthly water and sewer bill, in which case said deposit shall be returned.

(b) For existing accounts, interest shall stop accruing on the deposit as of the effective date of this ordinance.

(1) For existing deposits which meet the above definition of financial responsibility, the deposit and any previously accrued interest will be returned within twelve months of the date of this ordinance.

(2) For existing deposits which do not meet the above definition of financial responsibility, the deposit shall be held until financial responsibility is met, however, any previously accrued interest shall be returned within twelve months of the date of this ordinance.”

Section 5. That Chapter 1042, Section 1042.17 of the Code regarding the Connections for Private Fire Protection Services is hereby amended to read as follows:

“1042.17 CONNECTIONS FOR PRIVATE FIRE PROTECTION SERVICES.

(a) Application may be made to the Water and Sewer Department for a private fire connection by the owner of any premises, in writing, accompanied by complete and correct drawings showing the location of the premises and of all water pipes, hydrants, tanks, sprinkler heads and other appurtenances on the premises. The plans shall remain the property of the Department.

(b) Such application shall be approved, and the service installed, only where practical and convenient, in the sole discretion of the Department.

(c) All fire service connections shall be installed by the Department from the water main to the curb line.

(d) The fire connection shall be installed with a gate valve at the water main. The owner shall install a gate valve with an indicator post at the curb or property line. A detector check valve tapped for by-passing the check valve and a rising stem gate valve on the system side of the check valve shall be installed, by and at the owner's expense, where and immediately after the supply pipe enters the premises. The type and make of the detector check valve shall be subject to the approval of the Department.

(e) The applicant shall pay the cost of the installation of such fire service connections, plus twenty percent additional to cover overhead expense. All repairs to the service pipe between the street main and the curb line shall be made by, and at the expense of, the Department.

(f) The Department may limit the size of fire protection service where the street mains are such as to make it necessary to protect the public. If more than one service is installed to the same premises, the piping system of one shall not be connected with the system of the other except by special permission of the **City Council Board of Water and Sewer Commissioners**.

(g) No private fire protection service line shall be larger than twelve inches in diameter.

(h) Failure to pay the cost of installing the fire service within thirty days after the date of the bill will be sufficient cause for turning off the water in the service.

(i) The connection shall be used for fire purposes only, shall have no connection whatever with any taps used for other than fire purposes, and, because of the danger of pollution, shall have no connection with any other source of supply.

(j) The customer shall permit no water to be drawn through this connection for any purpose other than the extinguishment of fires or the periodic testing of the fire system.

(k) The customer shall give the Department reasonable notice of the time of all tests, so that, if desired, the Department may have a representative present. Such notification need not be formal, but may be given by telephone to the office of the Manager.

(l) Any authorized representative of the Department shall have free access to any building, at any reasonable time, for the purpose of inspecting the service connections, piping and appurtenances.

(m) The Department may, at any time, set a meter on the connection, which will meet requirements of insurance companies. If a meter is installed, the established rates, including both water and service charges, will apply, but nothing herein shall be construed as compelling the Department to install a meter. The Department shall designate the size and number of meters necessary for water service other than for private fire protection through hose connections, and the property owner may request the additional meter or meters that might be necessary because of hose connections for private fire protection service.

(n) Private fire protection service will be supplied subject to the right of the City to use water in the street mains, through hydrants, for fire purposes. The Department may shut off the supply at any time in case of accident, or to make alterations, extensions, connections or repairs. There shall be no guarantee as to pressure in the service connection, pipe or main supplying the same, and the Department shall not be liable for loss or damage to the customer for deficiency or failure in the supply of water, whether occasioned by accident, alterations, extensions, connections, repairs or any cause whatsoever.

(o) If the water is shut off, or there is a deficiency or failure in the supply from any cause, continuing for two days or more, the customer shall be entitled to a pro rata credit on the regular bill.

(p) Violation of any conditions, rules or regulations shall entitle the Department, at its option, to discontinue the fire service connection and shut off the service without notice. A waiver of any violation shall not be construed as a waiver of subsequent violations."

Section 6. That Chapter 1042, Section 1042.23 of the Code regarding the Backflow Prevention Devices Required Under Certain Conditions; All Cross-Connection Prohibited is hereby amended to read as follows:

“1042.23 BACKFLOW PREVENTION DEVICES REQUIRED UNDER CERTAIN CONDITIONS; ALL CROSS-CONNECTION PROHIBITED.

(a) Backflow prevention devices shall be required by the Manager of the Water and Sewer Department at all premises likely to have cross-connections as described in the American Waterworks Association M-14 Backflow Prevention Manual, 1972 edition, as amended. The Manual sets forth potential cross-connection between the customer's water system and certain types of equipment, specialized installations and water uses which afford opportunity for backflow into the public water system. All such facilities and systems as set forth in the Manual shall have backflow prevention devices unless it is demonstrated to the satisfaction of the Manager that no opportunity exists for backflow of water from the customer's system into the public water supply system of the City.

(b) In addition, backflow prevention devices shall be installed at the service connection or within any premises where, in the discretion of the Manager, the nature and extent of the activities on the premises, or the materials used in connection with the activities or materials stored on the premises, would present a potential hazard to health should a cross-connection occur, even though such cross-connection does not exist at the time the backflow prevention device is to be installed.

(c) The type of protective device to be installed shall depend on the degree of hazard which exists or may occur in the discretion of the Manager, and any protective device installed shall be approved by the Manager and in accordance with the Illinois Plumbing Code, the Illinois Environmental Protection Agency and any applicable local regulations. A double check valve assembly, atmospheric vacuum breaker, pressure vacuum breaker or a reduced pressure backflow preventer will have to meet or exceed any of the following standards and specialized installation methods:

(1) University of Southern California Foundation for Cross Connection Control and Hydraulic Research, Specifications of Backflow Prevention Devices No. 69-2, or the most current issue.

(2) American Waterworks Association Standard C506-78 (Revision of C506-69). An air-gap separation or a reduced pressure principle backflow prevention device shall be installed where the water supply may be contaminated with sewage, industrial waste of a toxic nature or other contamination which would cause a health or water system hazard in the discretion of the Manager. In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air gap separation, atmospheric vacuum breaker, pressure vacuum breaker or a reduced pressure principle backflow prevention device shall be installed.

(d) Backflow prevention devices shall be installed on the customer's side of the water meter at the location designated by the Manager. The device shall be located so as to be readily accessible for maintenance and testing, and where no part of the device will be submerged.

(e) Backflow prevention devices shall be installed by the customer at the customer's expense in accordance with plans and specifications approved by the Manager and as required by the Illinois Plumbing Code, the Illinois Environmental Agency and any applicable local regulations. Devices shall be repaired, overhauled or replaced by the customer at the customer's expense whenever such devices are found to be defective. The customer shall arrange annual inspections and provide supporting documentation to the Water and Sewer Department in accordance with rules and regulations adopted by the City Council Water and Sewer Commission. Inspections, tests and records thereof shall be maintained by the Water and Sewer Department."

Section 7. That Chapter 1042, Section 1042.25 of the Code regarding Water Conservation During Periods of Emergency is hereby amended to read as follows:

"1042.25 WATER CONSERVATION DURING PERIODS OF EMERGENCY.

(a) Whenever, and for so long as, a water emergency exists in the City by reason of drought, excess usage, shortage of supply or other reasons, use of water from the water system of the City, for uses as hereinafter specified, shall cease or be curtailed as may be provided by proclamation.

(b) Such emergency shall be deemed to exist only when so certified and proclaimed by the Mayor, in writing, which certificate, to be effective, must also bear the written approval of the **City Council Chairperson of the Board of Water and Sewer Commissioners**. If, by such certificate, the specified uses are not to cease entirely, the certificate shall specify the rules and procedures for curtailed uses.

(c) Such emergency, and the consequent cessation or curtailment, may be terminated only by the certificate of the Mayor, approved by the **City Council Chairperson of the Board**.

(d) The provisions of this section shall apply to all persons using water both inside and outside of the City, and regardless of whether any person using water shall have a contract for water service with the City.

(e) The uses for which water service may be curtailed or stopped during such emergency are as follows:

(1) The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation.

(2) The washing of automobiles, trucks, trailers, trailer houses, railroad cars or any other type of mobile equipment.

(3) The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.

(4) The washing of the outside of dwellings and the inside and outside of office buildings.

(5) The washing and cleaning of any business or industrial equipment or machinery.

(6) The operation of any ornamental fountain or other structure making a similar use of water.

(7) Swimming and wading pools not employing a filter and recirculating system.

(8) The escape of water through defective plumbing, which shall mean the knowing permission for defective plumbing to remain out of repair.

(9) Air conditioning systems or devices for the cooling or dehumidification of space for human occupancy in which water from the City water system is the principal medium. “

Section 8. That Chapter 1042, Section 1042.26 of the Code regarding the Fluoridation of Water Supply is hereby amended to read as follows:

“1042.26 FLUORIDATION OF WATER SUPPLY.

Subject to the approval by the Illinois Department of Public Health as may be necessary or required, the ~~City Board of Water and Sewer Commissioners~~ is hereby authorized and directed to provide the means and to proceed with the addition of not more than one part of fluoride to every 1,000,000 parts of water being distributed in the water supply system of the City.”

Section 9. That Chapter 1042, Section 1042.27 of the Code regarding Enforcement; Violations; Discontinuance of Service is hereby amended to read as follows:

“1042.27 ENFORCEMENT; VIOLATIONS; DISCONTINUANCE OF SERVICE.

(a) Owners who have water service connections, pipes or other plumbing fixtures which do not conform to the requirements of this chapter at the time of its passage, or at any time thereafter, shall be required to change their water service connections, pipes or other plumbing fixtures to conform to such requirements when so instructed by the Manager.

(b) The Department may refuse water service to any customer, consumer or owner who has been or is in violation of any part of this chapter or who refuses or fails to pay for any charges made by the Department pursuant to any provision of these Codified Ordinances.

(c) The Manager shall discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this chapter is known to exist, and shall take such other precautionary measures as he or she may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this chapter and until any applicable reconnection fee is paid.

Immediate disconnection with verbal notice can be effected when the Manager is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection.

Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Manager or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Water and Sewer Department, nor the Manager, nor their agents or assigns, shall be liable to any customer 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 was with or without notice.

(d) Any consumer responsible for back-siphoned or back-pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

(e) No person shall violate or fail to comply with any of the provisions of this chapter or any lawful order of the Water and Sewer Department ~~or the Board of Water and Sewer Commissioners.~~"

Section 10. This Ordinance shall be effective upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

Section 11. This ordinance is expressly adopted pursuant to the Home Rule Powers of the City of Freeport under Section 6 of Article VII of the Illinois Constitution of 1970.

Section 12. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 13. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

PASSED BY A ROLL CALL VOTE OF THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS this ___ day of _____, 2017.

Dovie L. Anderson, City Clerk

YEAS:
NAYS:
ABSTAIN:
PRESENT:

APPROVED by the Mayor of the City of Freeport this ___ day of _____, 2017.

Jodi Miller, Mayor

Date Published:

Date Effective:

Approved as to form:

Legal Counsel