

## 7. PUBLIC UTILITIES



**TITLE 7**  
**PUBLIC UTILITIES**

Subject	Chapter
Water And Sewer Rates And Charges . . . . .	1
Water System . . . . .	2
Cross Connection Control . . . . .	3



## CHAPTER 1

**WATER AND SEWER RATES AND CHARGES**

## SECTION:

- 7-1- 1: Contract For Service
- 7-1- 2: Water Connections
- 7-1- 3: Application For Water Service; Ineligibility
- 7-1- 4: Deposit Requirements
- 7-1- 5: No Free Water Service; Nondiscriminatory Service
- 7-1- 6: Number And Location Of Meters
- 7-1- 7: Rates And Charges Established
- 7-1- 8: Bills For Service; Payment Requirements
- 7-1- 8-1: Interpretation Regarding Use Of Service
- 7-1- 8-2: Rendition Of Bills; Due Date; Delinquencies
- 7-1- 8-3: Liability For Charges
- 7-1- 9: Annual Review Of Charges
- 7-1-10: Disposition Of Revenues
- 7-1-11: Accounts And Records
- 7-1-12: Prohibited Acts
- 7-1-13: Consumer List

7-1-1: **CONTRACT FOR SERVICE:**

- A. The rates, rules and regulations contained in this chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water service from the waterworks system and every person, company or corporation, hereinafter called a "customer", who accepts and uses City water service shall be held to have consented to be bound thereby. (2008 Code § 38-2-1)
- B. All contracts for water service shall be made in the name of the resident or resident of legal age, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge

and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the City and credited to the appropriate account. (2008 Code § 38-2-1; amd. 2019 Code)

**7-1-2: WATER CONNECTIONS:**

- A. Responsibility For Costs: All taps and water connections to mains or any part or portion of the waterworks system of the City shall be at the customer's expense and shall be made in accordance with the rules and regulations as may be prescribed by the City from time to time. The cost of said meter shall be borne by the City. (2008 Code § 38-3-10)
- B. Connection Specifications:
  - 1. The Director of Operations shall specify all materials to be used and the location of the meter pit and curb stop.
  - 2. All connections shall be installed by a State of Illinois licensed plumber.
  - 3. All water tap and service connections made to the mains of the waterworks system of the City shall conform to the regulations of this Code and of the Illinois Plumbing Code. (2008 Code § 38-3-10; amd. 2019 Code)
- C. Connection Fees:
  - 1. a. The City shall be paid the following applicable fee for each new metered connection to the City's water system:

Size Of Tap	Fee
3/4"	\$150.00
1"	250.00
1 1/2" or larger	Cost of the meter, plus \$50.00

b. The fee shall be for reimbursement to the City for a water meter and for otherwise supervising and overseeing the connection to the City water main. The water meter shall remain the property of the City. (Ord. 2016-16, 12-5-2016)

2. The Public Works Director may authorize connection of a dedicated fire protection line to the City water mains without a meter for a connection fee of one hundred dollars (\$100.00). Such connection shall have a flat fee of thirty dollars (\$30.00) per month. (Ord. 2016-16, 12-5-2016; amd. 2019 Code)

7-1-3:           **APPLICATION FOR WATER SERVICE; INELIGIBILITY:**

Upon receipt of an application as provided in this chapter, a permit may be issued by the Water Department for providing water service to the premises covered by such application in accordance with the provisions of this Code; provided, however, that no permit shall be issued to any applicant or owner who owes the City any money for any past due account, whether the same relates to the supply of water or otherwise until such amount is paid. (2008 Code § 38-2-7; amd. 2019 Code)

7-1-4:           **DEPOSIT REQUIREMENTS:** No connection shall be made to any water main in the City unless fees are paid as follows:

- A. All applicants who own the premises served, who are initially applying for water service in their name, shall deposit the sum of fifty dollars (\$50.00) with the City to insure prompt payment of their bills to the Water Department. Said fee shall be held by the Water Department for a period of one year. If the water customer has been delinquent in the payment of any bills or penalties, the Water Department shall have the discretion to hold the deposit fee as set forth herein for an additional period of one year and shall continue to have the discretion to hold the deposit fee for additional periods of one year based upon the water customer's promptness in payment of bills and charges. Upon cessation of service to such customer, any sums remaining on deposit with the Water Department will be returned to the customer after payment of the customer's final bill, or it may be applied to payment of the final bill, with any excess returned to the customer. (Ord. 2016-16, 12-5-2016)
- B. Applicants who do not own but who lease or otherwise occupy the premises served shall deposit the sum of one hundred dollars (\$100.00) upon initial application for service. Upon cessation of service to such customer, the deposit will be returned to the

customer after payment of the customer's final bill, or it may be applied to payment of the final bill, with any excess returned to the customer. (Ord. 2016-16, 12-5-2016; amd. 2019 Code)

- C. The deposits made under the provisions of this section shall be held by the City as security for the payment of utility services used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment of the utilities bill in accordance with this chapter. The depositor shall earn no interest on the deposit. (Ord. 2016-16, 12-5-2016)

7-1-5:           **NO FREE WATER SERVICE; NONDISCRIMINATORY SERVICE:** No free water service shall be furnished to any person, public or private, and all rates and charges shall be nondiscriminatory; provided, that the Mayor and City Council reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust. (2008 Code § 38-2-5)

7-1-6:           **NUMBER AND LOCATION OF METERS:**

- A.           1. Each residence or dwelling, each mobile home, each business or commercial establishment, and each family unit in any apartment building which is supplied with water by the City shall be required to have a separate meter. An apartment building is defined as a building or house in which two (2) or more family units reside.
2. Subsection A1 of this section, with respect to the number of meters, shall apply from and after the effective date hereof, and nothing in this subsection A shall be construed to change the provisions of this Code with respect to existing apartment buildings.
- B.           1. In existing mobile homes and buildings where two (2) or more business or commercial establishments operate which do not have separate meters, each mobile home or business shall pay the monthly minimum water bill.
2. In existing apartment buildings or residences which do not have separate meters where two (2) or more family units reside, each family unit shall pay the monthly minimum water bill. (2008 Code § 38-3-1)



- C. 1. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing.
2. The Director of Operations shall determine if it is possible for the meter to be on City property.
3. Meters outside of a building shall be set in a suitable meter box approved by the Public Works Committee. (2008 Code § 38-4-3; amd. 2019 Code)
4. All new meters shall be located outside of the structure so they may be easily read. Water shall not be turned on for new connections until the meter has been installed and there has been full compliance with all other requirements of this chapter on the part of the property owner. (2008 Code §§ 38-3-1, 38-4-3)

**7-1-7: RATES AND CHARGES ESTABLISHED:**

- A. **Water Rates And Charges:** The rates and other charges for water service prescribed by this chapter may be changed by the City at anytime, and the City shall not be deemed to have contracted with any customer to maintain such rates and charges for any period of time whatsoever. Such rates and charges shall include the following:
1. **Water Access Charge:** From and after January 1, 2012, all water customers shall pay a monthly access charge, as follows:
- a. For service within the City limits, eight dollars (\$8.00).
  - b. For service outside of the City limits, thirteen dollars (\$13.00).
2. **Water Rates:** From and after November 1, 2018, in addition to the connection or access charge, all water customers shall pay a water use rate as follows:
- a. For water service inside the City limits, the sum of ninety four cents (\$0.94) per one hundred (100) gallons, or any part thereof, of water used each month; and
  - b. For water service outside the City limits, the sum of one dollar four cents (\$1.04) per one hundred (100) gallons, or any part thereof, of water used each month.

May 2021

3. Senior Rates: All water service for customers who are sixty two (62) years or older, at the residence where they reside within the City limits, shall not be required to pay the water connection or access charge provided in subsection A1a of this section if the gross household income of all the residents of their household does not exceed sixty percent (60%) of the circuit breaker amount. Rates for customers eligible for service under this section shall be calculated as follows: the cost of water paid by the city for one hundred (100) gallons shall be rounded up to the next penny, and the rate paid by customers under this section shall be that cost plus five cents (\$0.05) per one hundred (100) gallons.

4. Estimated Charges:

a. Whenever any meter, by reason of its being out of repair or from any cause, fails to properly register the water passing through the same, the consumer shall be charged the average charge of the previous three (3) months usage. If no record of the previous three (3) months exists, then it shall be the duty of the Water Clerk to estimate the amount of water consumed during the time the meter fails to operate, and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather. (2008 Code § 38-2-4)

b. In the event of a leak, the customer shall be charged the current rate for the amount of water that equals the average usage of the three (3) previous months and the balance of the water at a rate equal to the City's cost at that time. If two (2) or more leaks occur in a twelve (12) month period, the total credit will not exceed the credit for the largest leak. (2008 Code § 38-3-13)

B. Sewer Rates And Charges:

1. The City shall cooperate with the Virden Sanitary District in collecting sewer charges for the district; provided, however, that the sewer rates shall be established by the Sanitary District and the water rates shall be established by the members of the City Council. The water rates established by the City and the sewer rates established by the Virden Sanitary District shall be and remain on file in the Office of the City Clerk. (2008 Code § 38-3-8)

2. A copy of this chapter, properly certified by the City Clerk, shall be filed in the Office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the sewer system of the City on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to sewer treatment services. (2008 Code § 38-3-5)

- C. **Meter Malfunction; Testing Charge:** Any City water meter shall be taken out and tested upon complaint of the consumer, upon payment of a fee of twenty dollars (\$20.00). If, upon test, the meter is not within three percent (3%) of being accurate, it shall be repaired or replaced and the twenty dollar (\$20.00) fee returned to the consumer. (2008 Code § 38-2-6) (Ord. 2011-18, 12-5-2011; amd. 2018-03, 3-5-2018; 2019 Code; Ord. 20-03, 4-6-2020, eff. 5-1-2020; Ord. 2021-01, 2-1-2021)

**7-1-8:           BILLS FOR SERVICE; PAYMENT REQUIREMENTS:**

**7-1-8-1:        INTERPRETATION REGARDING USE OF SERVICE:**

Service shall have been deemed to have been supplied to any property connected to the Water System during a month unless the customer notifies the City prior to the first day of the new billing month in which the service is to be discontinued. (2008 Code § 38-2-1)

**7-1-8-2:        RENDITION OF BILLS; DUE DATE; DELINQUENCIES:**

- A. **Due Date:** The charges for water service rendered to customers shall be due on or before the 16th day of each month. If the customer fails to pay the bill on or before the 16th day of each month, a ten percent (10%) late fee shall be added to the bill of the customer. If the bill, including the late fee, is not paid in full by the 26th day of that month, the water service shall be shut off for nonpayment.
- B. **Shutoff Fee:** Whenever the water supply is shut off for nonpayment, an additional shutoff fee of twenty five dollars (\$25.00) shall be charged against each customer. For purposes of this section the shut off fee becomes due and payable upon the arrival of the Water Department personnel at a customer's premises to perform a shutoff.
- C. **Restoration Of Service:** No water service shall be rendered to a delinquent customer until the current bill, including the late fee and shutoff fee have been paid in full. Upon payment in full, the Water Department will, during regular working hours, restore service to the customer. Every effort will be made to restore service by the end of the day on the first business day following payment in full.

- D. **Monthly Bills:** Bills will be sent to customers on the first business day of each month. As noted in subsection A of this section, late fees become payable if the bill is not paid by the 16th day of the month. Each customer with a past due bill will be mailed a bill reflecting the imposition of the late fee, and notifying the customer of the right to a hearing before service is shutoff, by reference to this section.
- E. **Request For Hearing:** If a customer has an objection to the amount of a water bill, and desires a hearing prior to the date of disconnection, the City will hold a hearing upon written or telephonic request to the Water Department.
- F. **Receipt Of Request; Scheduled Hearing:** The customer's request for a hearing must be received by the Water Department on or before the 21st day of the month, and upon receipt of the request for a hearing, the Water Department will schedule a hearing to be held before the 26th day of the month.
- G. **Hearing:** The hearing shall be held by the Mayor or his designee. The Hearing Officer shall make a final determination as to the issues concerning the bill raised by the customer. Notice of the decision shall be provided in person at the hearing, or by first class mail. No service shall be discontinued pending a final determination of the issues raised.
- H. **Final Determination:** If the customer fails to appear at the hearing, or the final determination of the Hearing Officer is in favor of the City and delivered at the time of the hearing, the water service shall be shutoff during regular working hours the day following the hearing. If the final determination is mailed to the customer, service may be discontinued three (3) days following mailing the final determination. (Ord. 19-01, 3-4-2019)
- I. **Failure To Receive Bill:** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month. (2008 Code § 38-2-1)

7-1-8-3:     **LIABILITY FOR CHARGES:**

The account holder of the service shall be liable for the payment of the service to such lot, parcel of land or premises until the account is closed, and all services are rendered to the premises by the City only on the condition that such

account holder shall be liable therefor to the City. (2008 Code § 38-2-3; amd. 2019 Code)

7-1-9:           **ANNUAL REVIEW OF CHARGES:** The adequacy of the water service charge shall be reviewed, not less often than annually, by the City Council with assistance, if requested by the Council, from the City Engineer and any accountant performing audit services for the City. The water service charge rates shall be revised periodically to reflect the change in local capital costs or operation, maintenance and replacement costs. (2008 Code § 38-3-7; amd. 2019 Code)

7-1-10:          **DISPOSITION OF REVENUES:** All revenues and monies derived from the operation of the Water System shall be deposited in the water account of the Water Fund. All such revenues and monies shall be held by the City Treasurer separate and apart from his private funds and separate and apart from all other funds of the City Treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the City Council. The City Treasurer shall receive all such revenues from the water system and all other funds and monies incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water System Fund of the City". The Treasurer shall administer such fund in every respect in the manner provided by 65 Illinois Compiled Statutes 5/3.1-35-40 et seq. (2008 Code § 38-3-2)

7-1-11:          **ACCOUNTS AND RECORDS:**

A.           The City 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 system and, at regular annual intervals, shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. 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.
  3. Debt service for the next succeeding fiscal year.
  4. Number of users connected to the system.
  5. Number of nonmetered users. (2008 Code § 38-3-3)
- B. The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of any Loan Agreement with the City. (2008 Code § 38-3-4)

7-1-12:       **PROHIBITED ACTS:**

- A.    **Fraudulently Using Services:** Any person using water service from the City without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter, shall be guilty of violating this Code and, upon conviction, shall be fined a sum as provided in section 1-4-1 of this Code.
- B.    **Damage To, Tampering With System:** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner limiting the use or availability of any meter or any property of the waterworks system, or erecting signs on the property of the department without permission shall, upon conviction of such act, be fined as provided in section 1-4-1 of this Code. (2008 Code § 38-2-1)

7-1-13:       **CONSUMER LIST:** It is hereby made the duty of the Water Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving water service, showing the name and address of the occupant and the owner of the same. The list shall be kept up to date and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting of the City Council if requested. (2008 Code § 38-2-2; amd. 2019 Code)

CHAPTER 2  
**WATER SYSTEM**

**SECTION:**

- 7-2- 1: Service Lines
- 7-2- 2: Extension Of Mains
- 7-2- 3: Turning Water On And Off
- 7-2- 4: Hydrants
- 7-2- 5: Water Use For Building Or Construction
- 7-2- 6: Wasting Water
- 7-2- 7: Emergency Conservation Measures
- 7-2- 8: Interruption Of Service
- 7-2- 9: Emergency Discontinuance Of Service
- 7-2-10: Nonliability Of City
- 7-2-11: Authority Of City To Use Consumer's Water
- 7-2-12: Easements For City Access
- 7-2-13: Prohibited Acts
- 7-2-14: Water Wells And Alternative Water Sources
- 7-2-15: Abandoned Connections
- 7-2-16: Access For Inspections
- 7-2-17: Noncompliance With Provisions
- 7-2-18: Enforcement Official

**7-2-1: SERVICE LINES:**

- A. Service lines must be at least three-fourths inch ( $\frac{3}{4}$ " ) in diameter and must be installed at a minimum depth of three feet (3').
- B. Service lines must have a minimum working pressure rating of one hundred sixty (160) psi at 73.4 degrees Fahrenheit and must be constructed of one of the following types of materials: copper (type K), polyvinyl chloride (PVC), polyethylene or polybutylene.
- C. Service lines shall not be covered until they are inspected and approved by the Director of Operations.

- D. The user shall not connect any service line or any plumbing connected with the service line to any other water source. The service line shall meet all requirements of the Illinois Environmental Protection Agency rules and regulations, the Illinois Plumbing Code, and the regulations of this chapter. (2008 Code § 38-4-22)
- E. Each customer shall, at his or her own expense, maintain all service lines extending from the customer's side of the curb box. The meter pit and all appurtenances thereof shall be kept in good condition and free of damage. The City shall have the right to discontinue water service if the meter and all of the appurtenances thereof are not maintained in a state of good repair. (2008 Code § 38-4-23; amd. 2019 Code)

7-2-2:           **EXTENSION OF MAINS:**

- A. **Responsibility For Costs:** The City Council shall first determine if an extension of a water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible, the City may install and pay the cost of the extension at the discretion of the City Council. If the City elects not to pay the cost of extending the water main, the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the City Council. The City shall not pay for any extensions to an undeveloped area, such as a subdivision being developed, unless there are sufficient existing residents or businesses to make the extension economically feasible. (2008 Code § 38-6-1)
- B. **Easements For Installation And Maintenance:** Applicants for main extensions shall deliver, without cost to the City, permanent easements or rights-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto. The City shall not be obligated to authorize any construction until all requirements of this chapter have been met. (2008 Code § 38-6-2)
- C. **Specifications And Location:** The City reserves the right to determine and specify the diameter and type of pipe required to provide the service requested and, subject to the requirements of City authorities, its location within or without the limits of a street. The City further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the City will pay the difference in cost. (2008 Code § 38-6-3)



- D. **Title To Extension:** Title to all main extensions shall be vested in the City, and the City shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the City reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the City will set a meter at the beginning of the extension to measure all water used, and title to the line beyond the meter will be vested in the customer who shall be responsible for maintenance and replacement, when necessary. (2008 Code § 38-6-4)
- E. **Maintenance And Replacement:** The City, at its own expense, shall maintain and, when necessary, replace the City owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the City at its expense. (2008 Code § 38-6-5)

7-2-3:       **TURNING WATER ON AND OFF:** All water flowing to all buildings, structures, residences and premises, and into and from all connections of services, shall be under the exclusive control of the City, and no plumber or other person shall let water to or from the service or connection for any purpose without permission therefor; provided, however, that water may be turned on by a plumber at the time of doing his work for testing purposes, but shall not be allowed to remain on after such testing has been completed without the consent of the Director of Operations. (2008 Code § 38-4-20)

7-2-4:       **HYDRANTS:**

- A. All public fire hydrants with gate valves, tees, and connections from the main, inside the City limits, shall be owned, maintained and used only by the City which shall be solely responsible for same. Use of water from fire hydrants by contractors and others shall be only upon permission of the City and after approved application to the City.
- B. The City shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside of the City limits or the pressure or amount of water obtainable therefrom or any damage, either direct or resultant, because of the condition, pressure or amount of water available at any fire hydrant.

- C. All public fire hydrants located outside the City limits owned by the City shall be maintained in as good order as reasonably possible, but the City will not undertake or assume any responsibility or liability for their condition or use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fires except when the City may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water therefrom. (2008 Code § 38-4-11)

**7-2-5: WATER USE FOR BUILDING OR CONSTRUCTION:**

- A. Applicants desiring to use water from the City Waterworks System for building or construction purposes shall make application therefor to the Director of Operations on a form provided by the Water Department for that purpose.
- B. Upon a permit being granted, the service line shall be constructed at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed at the end thereof above the surface.
- C. When the building or construction is completed, the faucet and meter shall be removed and the water shut off unless permanent connection is made in accordance with the provisions of this chapter.
- D. Charge for the use and connection of the meter shall be prescribed by the Director of Operations. (2008 Code § 38-4-10)

**7-2-6: WASTING WATER:** If it shall be found that there is an unreasonable or unnecessary waste of water in any building, structure or premises to which water is supplied from the waterworks system of the City through or by means of a leak located in any such building or structure, or in or on any such premises, or if there is a waste of water by any other means, the City may cause the water supply to be cut off from the building, structure or premises unless such water leak shall be stopped or repaired. Any other water waste which is unreasonable and unnecessary shall result in a cessation of water to the user by the City. The water supply shall not again be turned on until the water leak or water waste has been corrected and until the City has been paid the cost and expense of shutting off and again turning on the water supply to said building, structure or premises by the owner, occupant or person in possession thereof. (2008 Code § 38-4-14)

**7-2-7: EMERGENCY CONSERVATION MEASURES:**

- A. The Mayor is hereby authorized to proclaim the existence of an emergency whenever it appears that the City water supply is inadequate for all general uses and purposes, which proclamation shall be published in a newspaper of general circulation in the City, and the Mayor is further authorized to declare, in a similar manner, the end of an emergency period. (2008 Code § 38-4-12)
- B. From and after the publication of a proclamation as provided in subsection A of this section, the following uses of water shall be prohibited, and it shall be unlawful for any person to so use water from the City supply for such uses during the emergency: (2008 Code § 38-4-12; amd. 2019 Code)
  - 1. The washing of cars and other vehicles.
  - 2. The sprinkling of lawns and shrubbery.
  - 3. The watering of gardens.
  - 4. Other nonessential uses. (2008 Code § 38-4-12)

**7-2-8: INTERRUPTION OF SERVICE:**

- A. The City shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, and enforce rules, and prior notice will be given to consumers, but in emergencies, the water may be shut off without notice. All hot water faucets shall be left open during any shutoff to prevent damage to plumbing. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The City shall not be held responsible for or liable because of any shutoff of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.
- B. Whenever water mains, pipes and service connections are taken up, shut off or interfered with by reason of any City street improvements, the City will endeavor to maintain service so far as reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or damage of any kind either to consumers adjacent thereto or to other consumers affected thereby.

- C. The City expressly stipulates, with all its consumers and other persons, that it will not insure or be responsible or liable in any manner for any losses or damages, direct or resultant, by reason of any fire, and all water service furnished shall always be conditional upon acts of God, inevitable accidents, fire, strikes, riots, war, or any other cause not within the reasonable control of the City. (2008 Code § 38-4-24; amd. 2019 Code)
- D. All connections for the water services applied for hereunder and all connections now attached to the present City Waterworks System and all use of or service by the system shall be upon the express condition that the City shall not be liable for, nor shall any claim be made against it, for damages or injury caused by reason of the breaking of any main, service pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations, extensions or renewals. (2008 Code § 38-4-6)

7-2-9:       **EMERGENCY DISCONTINUANCE OF SERVICE:** The City shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the City finds any apparatus or appliances, the operation of which will be detrimental to the water system of the City or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or customers' plumbing shall be immediately repaired or removed upon notice from the City, or at its option, the City may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom. (2008 Code § 38-4-8)

7-2-10:       **NONLIABILITY OF CITY:** The City shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage. (2008 Code § 38-4-13)

7-2-11:       **AUTHORITY OF CITY TO USE CONSUMER'S WATER:** The City shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made

by the consumer for the use of the facilities and no charge shall be made by the City for the water used by the City. (2008 Code § 38-4-17)

7-2-12:       **EASEMENTS FOR CITY ACCESS:** The consumer shall give such easements and rights-of-way as necessary to the City and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the City Council. (2008 Code § 38-4-16)

7-2-13:       **PROHIBITED ACTS:**

A.       Resale Of Water; Providing Water To Others:

1. No water supplied by the waterworks system shall be resold by any user.

2. No water user may supply water to other families or allow them to take it, except for use on the premises and for the purpose specified in such user's approved application, nor, after water is introduced into any building or upon any premises, shall any person make or employ any other person to make any tap or connection with the waterworks upon the premises for alterations, repairs, extension or attachments without a written permit therefor.

3. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user or the premises, or both. (2008 Code § 38-4-7)

B.       Electric Ground Wire Connections:

1. All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the City.

2. The City shall hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the City caused by such ground wire.

3. Any and all owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected five (5) days after notice, the City, through its officials, may enter the property and remove such ground wires, and the consumer shall pay all costs. (2008 Code § 38-4-9)

**7-2-14: WATER WELLS AND ALTERNATIVE WATER SOURCES:****A. Water Wells:**

1. It shall be unlawful to drill a water well in the City without the proper permits from the State of Illinois and the City Council.

2. All wells shall comply with the cross connection control regulations in chapter 3 of this title. No wells shall be drilled when the property is within two hundred feet (200') of the City water main. (2008 Code § 38-4-25)

- B. Alternative Water Sources:** Any customer with critical water requirements shall have an alternate water source. Failure to provide such shall be considered a violation of customer rules, and loss or damages resulting therefrom shall be the responsibility of the customer. Those customers shall include, but not be limited to, manufacturers, hospitals, nursing homes, schools, greenhouses, hatcheries or any other building or business which might suffer any type of loss due to interruption of water service. (2008 Code § 38-4-27; amd. 2019 Code)

**7-2-15: ABANDONED CONNECTIONS:** Whenever any connection to the waterworks system is abandoned because the building to which the water connection is made has been abandoned, destroyed or removed, the Director of Operations may remove the meter and any pipe or connections in the public right-of-way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps, the Director of Operations shall notify the owner of the real estate if the owner's name and address is known, and shall notify the person shown on the Real Estate Tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail, at least thirty (30) days before any action is taken under this section. If water is leaking, the Director of Operations shall take immediate action and send the notices within three (3) working days of the time action was taken. (2008 Code § 38-4-26)

**7-2-16: ACCESS FOR INSPECTIONS:**

- A.** The City shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the consumer's pipe, fixtures, plumbing, and any other apparatus in any manner connected to the Waterworks System of

the City. The City shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the City or the supply or fixtures of other consumers.

- B. All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the City shall be open to the inspection of the proper officers and employees of the City at all reasonable hours. (2008 Code § 38-4-4)

7-2-17: **NONCOMPLIANCE WITH PROVISIONS:** If any consumer fails to comply with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the City shall have the right to discontinue service. Except in case of nonpayment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rule until five (5) days after notice has been given and the violation has not been remedied. (2008 Code § 38-4-15)

7-2-18: **ENFORCEMENT OFFICIAL:** The Director of Operations shall enforce the provisions of this chapter and shall, in the name of the City, receive applications for water supply or service and issue permits therefor as provided for herein. (2008 Code § 38-4-19)





## CHAPTER 3

**CROSS CONNECTION CONTROL**

## SECTION:

- 7-3- 1: Purpose
- 7-3- 2: Scope
- 7-3- 3: City Policy
- 7-3- 4: Definitions
- 7-3- 5: Water System
- 7-3- 6: Cross Connections Restricted
- 7-3- 7: Surveys And Investigations
- 7-3- 8: Backflow Prevention Required; Testing And Records
- 7-3- 9: Where Protection Required
- 7-3-10: Type Of Protection Required
- 7-3-11: Backflow Prevention Devices
- 7-3-12: Inspections, Tests And Maintenance
- 7-3-13: Booster Pumps
- 7-3-14: Violations

7-3-1: **PURPOSE:** The purpose of this chapter is:

- A. To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.
- B. To promote the elimination or control of existing cross connections, actual or potential, between the public or consumer's potable water system and nonpotable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.
- C. To provide for the maintenance of a continuing program of cross connection control which will prevent the contamination or pollution of the public and consumer's potable water systems. (2008 Code § 38-5-11)

7-3-2: **SCOPE:** This chapter shall apply to all premises served by the public potable water supply system of the City. (2008 Code § 38-5-12)

7-3-3: **CITY POLICY:** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or backsiphonage of contaminants through the customer's water service connection. If, in the judgment of the Director of Operations or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Director of Operations shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense. Failure, refusal or inability on the part of the consumer 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 consumer shall retain records of installation, maintenance, testing and repair as required in this chapter for a period of at least five (5) years. The Director of Operations may require the consumer to submit a cross connection inspection report to the City to assist in determining whether or not service line protection will be required. All cross connection inspections shall be conducted by a cross connection control device inspector (CCCDI) certified by the Illinois Environmental Protection Agency. (2008 Code § 38-5-13)

7-3-4: **DEFINITIONS:** The following definitions shall apply in the interpretation and enforcement of this chapter:

**AGENCY:** Illinois Environmental Protection Agency.

**APPROVED:** Backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

**AUXILIARY WATER SYSTEM:** 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; or water from a source such as wells, lakes, or streams or process fluids; or used water. 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.

- BACKFLOW:** The backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.
- BACKFLOW PREVENTION DEVICE:** 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.
- CONSUMER OR CUSTOMER:** The owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.
- CONSUMER'S WATER SYSTEM:** Any water system located on the customer's premises. A building plumbing system is considered to be a consumer's water system.
- CONTAMINATION:** An impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.
- CROSS CONNECTION:** Any physical connection or arrangement between two (2) 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 the other.
- DIRECT CROSS CONNECTION:** A cross connection formed when a water system is physically joined to a source of unknown or unsafe substance.

**DOUBLE CHECK  
VALVE ASSEMBLY:**

An assembly composed of 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.

**FIXED PROPER AIR  
GAP:**

The unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

**HEALTH HAZARD:**

Any condition, device or practice in a water system or 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.

**INDIRECT CROSS  
CONNECTION:**

A cross connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

**INSPECTION:**

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 Illinois Administrative Code 890.

**NONPOTABLE  
WATER:**

Water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Illinois Administrative Code 654.

**PLUMBING:**

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 (5') beyond the foundation walls.

- POLLUTION:** 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.
- POTABLE WATER:** Water which meets the requirements of 35 Illinois Administrative Code 654 for drinking, culinary, and domestic purposes.
- POTENTIAL CROSS CONNECTION:** 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.
- PROCESS FLUID(S):** Any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or 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.

**PUBLIC WATER  
SUPPLY:**

All mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, 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 and which serve at least fifteen (15) service connections or which regularly serve at least twenty five (25) persons at least sixty (60) days per year. A public water supply is either a community water supply or a noncommunity water supply.

**REDUCED  
PRESSURE  
PRINCIPLE  
BACKFLOW  
PREVENTION DEVICE:**

A device containing a minimum of two (2) independently acting check valves, together with an automatically operated pressure differential relief valve located between the two (2) check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two (2) checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief 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 closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

- SERVICE CONNECTION:** The opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.
- SURVEY:** 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.
- SYSTEM HAZARD:** 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.
- USED WATER:** Any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the Director of Operations.
- WATER PURVEYOR:** The Director of Operations. (2008 Code § 38-5-14; amd. 2019 Code)

**7-3-5: WATER SYSTEM:**

- A. **Components Of Water System:** The water system shall be considered as made up of two (2) parts: the public water supply system and the consumer's water system.
- B. **Public Water Supply:**
1. 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 Operations up to the point where the consumer's water system begins.

2. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

3. The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

- C. **Consumer's Water System:** 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. (2008 Code § 38-5-15)

**7-3-6: CROSS CONNECTIONS RESTRICTED:**

- 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 physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the agency.
- C. There shall be no arrangement or connection by which an unsafe substance may enter a supply. (2008 Code § 38-5-16)

**7-3-7: SURVEYS AND INVESTIGATIONS:**

- A. The consumer's premises shall be open at all reasonable times to the approved CCCDI 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 within the consumer's premises. (2008 Code § 38-5-17)
- B. On request of the Director of Operations, or his authorized representative, 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 reasonable times to the Director of Operations for the verification of information submitted by the inspection consumer to the Director of Operations regarding



cross connection inspection results. (2008 Code § 38-5-17; amd. 2019 Code)

- C. It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross connection control or other plumbing inspections must be conducted in accordance with 225 Illinois Compiled Statutes 320/3. (2008 Code § 38-5-17)

**7-3-8: BACKFLOW PREVENTION REQUIRED; TESTING AND RECORDS:** It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

- A. All cross connections are removed or approved cross connection control devices are installed for control of backflow and back-siphonage.
- B. Cross connection control devices shall be installed in accordance with the manufacturer's instructions.
- C. 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 CCCDI. The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
- D. 1. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
2. Records submitted to the community public water supply shall be available for inspection by agency personnel in accordance with 415 Illinois Compiled Statutes 5/4(e).
3. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
4. A maintenance log shall be maintained and include:
- a. Date of each test;
  - b. Name and approval number of person performing the test;

- c. Test results;
- d. Repairs or servicing required;
- e. Repairs and date completed; and
- f. Service performed and date completed. (2008 Code § 38-5-17)

7-3-9:           **WHERE PROTECTION REQUIRED:**

- A. An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Illinois Administrative Code 890, and the agency's regulations, 35 Illinois Administrative Code 681. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the Director of Operations, actual or potential hazards to the public water supply system exist.
- 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 Operations, 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 Director of Operations.
  - 3. Premises having internal cross connections that, in the judgment of the Director of Operations, 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 restrictions, 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 Illinois Administrative Code 890, and the agency's regulations, 35 Illinois Administrative Code 653. 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 Operations determines that no actual or potential hazard to the public water supply system exists:

Car washes.

Chemical plants.

Farm service and fertilizer plants and trucks.

Food or beverage processing plants.

Hospitals, mortuaries, clinics, and nursing homes.

Laboratories.

Metal plating industries.

Pesticide or herbicide or extermination plants and trucks.

Petroleum processing or storage plants.

Piers, docks, and waterfront facilities.

Radioactive material processing plants or nuclear reactors.

Sewage treatment plants, sewage pumping stations or stormwater pumping stations. (2008 Code § 38-5-18)

**7-3-10: TYPE OF PROTECTION REQUIRED:**

- A. The type of protection required under section 7-3-9 of this chapter 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 health hazard.
  2. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.
  3. An approved fixed proper air gap separation or an approved reduced pressure principle 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. (2008 Code § 38-5-19)
- B. The type of protection required under section 7-3-9 of this chapter shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention connected to the public water supply when the type of protection required under section 7-3-9 of this chapter shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device. (2008 Code § 38-5-19; amd. 2019 Code)
- C. Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle 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 nonpotable source, or water can be pumped into the fire safety system from any other source; or
  4. There is a connection whereby another source can be introduced into the fire safety system.
- D. 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 lines. (2008 Code § 38-5-19)

**7-3-11: BACKFLOW PREVENTION DEVICES:**

- A. All backflow prevention devices or methods required by this chapter shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, 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.
- B. Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. The manufacturer's maintenance manual shall be available on site. (2008 Code § 38-5-20)

**7-3-12: INSPECTIONS, TESTS AND MAINTENANCE:**

- A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by this chapter 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 the 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 twenty four (24) hours.
  - 2. Double check valve assemblies shall be inspected and tested at the time of installation and at least annually thereafter, and required service performed within five (5) days.
  - 3. Reduced pressure principle backflow prevention assemblies 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 (5) days.
- B. Testing shall be performed by a person who has been approved by the agency 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 the 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 this chapter are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by subsection A of this section.
- F. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Director of Operations. (2008 Code § 38-5-21)

**7-3-13: 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 cutoff device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty (20) psi or less.
- B. It shall be the duty of the water consumer to maintain the low pressure cutoff device in proper working order and to certify to the Director of Operations, at least once a year, that the device is operable. (2008 Code § 38-5-22)

7-3-14: **VIOLATIONS:**

- A. The Director of Operations shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this chapter is not installed, tested, maintained and repaired in a manner acceptable to the Director of Operations, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists on the premises, or if a low pressure cutoff required by this chapter 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 this chapter and to the satisfaction of the Director of Operations, and the required reconnection fee is paid.
- C. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this chapter and to the satisfaction of the Director of Operations.
- D. Neither the City, the Director of Operations, or their agents or assigns, shall be liable to any customers of the City 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.
- E. The consumer responsible for backsiphoned 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 cleanup of the potable water supply system.
- F. Any person found to be violating any provision of this chapter shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (2008 Code § 38-5-23)
- G. Any person violating any of the provisions of this chapter, in addition to the fine provided in section 1-4-1 of this Code, shall become liable to the City for any expense, loss or damage occasioned by the City

by reason of such violation, whether the same was caused before or after notice. (2008 Code § 38-5-23; amd. 2019 Code)