

## ARTICLE IV

### WATER SUPPLY SYSTEM

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#### **9.401: WATER SYSTEM:**

A. 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. 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 village up to the point where the consumer's water system begins.

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

D. 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.

E. The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use, including all water supply structures on the consumer's side of the B-box or shutoff valve. This includes the consumer's water supply structures which may be situated in the public right of way or designated easement. (Ord. 5253, 5-21-2002)

#### **9.402: DEFINITIONS:**

Except as noted below, refer to section 9.201 of this chapter and section 16.202 of this code for the definitions of terms:

**AGENCY:** Illinois environmental protection agency.

**AUTOMATED METER READING:** A technology whereby the village will install a radio frequency (RF transmitter), referred to as an endpoint, inside homes and businesses that transmit meter readings to the village

wirelessly.

**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.

**BACK PRESSURE:** Any elevation of pressure in the downstream piping system above the supply pressure of potable water at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

**BACK SIPHONAGE:** A form of backflow that results from a reduction in system pressure which causes a subatmospheric pressure to exist at a site in the potable water system.

**BACKFLOW:** The flow 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 customer'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.

**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.

**CROSS CONNECTION CONTROL DEVICE INSPECTOR:** Any person certified by the IEPA who is responsible for inspecting cross connection control devices.

**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.

**EASY READ OPT OUT PROGRAM:** A means by which customers who do not want to use automated meter reading technology will be able to choose an alternative means by which the village can read the water meter installed at their home or business.

**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.

**IEPA:** Illinois environmental protection agency.

**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, and 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 604.

**PERSON:** Any individual, partnership, copartnership, firm, company, limited liability company, corporation, association, joint stock company, trust, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

**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 people 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 people 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 to impair the usefulness of the water.

**POTABLE WATER:** Any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

**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, pollutional, 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 water 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 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".

**PUBLIC WELL:** A hole or shaft sunk into the earth in order to obtain and develop water from a subterranean supply, bringing it to the surface, and making it available for use by the people, through transmission mains where the rates charged for such water development are controlled by an agency of the state of Illinois or any political subdivision thereof.

**REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE:** A device containing a minimum of two (2) independently acting check valves together with an automatically operating 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 closing 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 including, but not limited to, all domestic and fire services.

**SPRINKLING:** The scattering of water in drops or particles through a system of pipes and attached garden hoses or nozzles used for watering a lawn, garden, golf course or any vegetation.

**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 water supply official custodian.

**USER:** Any person or family unit occupying a single-family residence, duplex, townhouse, apartment, condominium or cooperative residence unit. The term shall also include any person, firm, institution or corporation occupying any portion of any commercial, industrial or combination use structure.

**WATER PURVEYOR:** The owner or official custodian of a public water system. (Ord. 5253, 5-21-2002; amd. Ord. 5415, 2-17-2004; Ord. 6240, 4-5-2016)

#### **9.403: CONSTRUCTION:**

A. Permit Required: All extensions to water mains, wells, well structures, pumping stations, treatment plants and reservoir storage tanks and appurtenances thereto, within the corporate limits of the village shall require the issuance of a permit through the building division. Application for permit must be accompanied with detailed plans indicating the contemplated improvement and must meet the specifications and requirements as set forth in 415 Illinois Compiled Statutes 40/1 et seq., under environmental safety.

B. Construction Specifications: For specifications concerning construction of water mains and services, refer to chapter 16, article IV of this code. (Ord. 5253, 5-21-2002)

#### **9.404: TURNING ON WATER SERVICE:**

A. No water service valve, nor any other valve on the village water supply shall be operated by any person but the director of public works to perform this service.

B. Application to have water turned on shall be made in writing to the director of public works, and shall contain an agreement by the applicant to abide by and accept all of the provisions of this chapter as conditions governing the use of the village water and sewer system by the applicant.

C. No water shall be turned on for service in premises in which the plumbing does not comply with the ordinances of the village; provided that water may be turned on for construction work in unfinished buildings, subject to the provisions of this article and approval of the director of public works. (Ord. 5253, 5-21-2002)

#### **9.405: PROHIBITED ACTS:**

A. Resale: No water shall be resold or distributed by the recipient thereof from the village supply to any premises other than that for which application has been made and the meter installed, except in case of emergency.

B. Tampering: It shall be unlawful for any person not authorized by the village to tamper with, alter or injure any part of the village water system or water meters.

C. Air Conditioners: It shall be unlawful to install, operate or maintain any type of water operated air conditioner anywhere in the village.

D. Water Leaks: It shall be unlawful for any user of village water having knowledge of a leak in the water system on his premises to fail to take prompt action to stop or repair such leaks. It shall be the duty of all water consumers of the village to exercise due diligence to prevent waste of the water supply while taking prompt action to correct all water leaks on their property. In the event such a water leak occurs on any private

premises, and is not promptly stopped, or repaired, then the same is hereby declared to be an emergency situation and the director of public works is hereby authorized to take immediate steps to shut off the water supply to said property until the water leak has been corrected.

E. Damaged Water Main: It shall be unlawful for any person or contractor to injure, damage or destroy any village water main or vault or other appurtenances comprising the village water system and located in any public street, alley, parkway, or easement, and said person or contractor shall be responsible for the cost of repair or replacement of such damage to any said village water main, vault or appurtenances and of any damage occasioned to surrounding properties as a result of such act.

F. Cross Connection Not Permitted: No cross connection of the public water supply with any private water source shall be permitted, or permitted to be maintained in accordance with the specifications and requirements defined in section 9.414 of this article. (Ord. 5253, 5-21-2002)

#### **9.406: RESTRICTIONS ON USE OF WATER:**

A. Fire Hydrants: It shall be unlawful for any person at any time, without proper authority, to take any water from any fire hydrant, unless permission is first obtained from the director of public works. The fee for such water used shall be twice the village water rate as defined in section 9.410 of this article and as set forth in appendix A, division II of this code.

#### **B. Lawn And Garden Use, Filling Swimming Pools:**

1. It shall be unlawful for any person to use or any owner to allow the use of any water, whether drawn directly or indirectly from public wells and/or public water supply distribution systems for the purpose of watering and/or sprinkling lawns and/or gardens or for the purpose of filling and/or refilling swimming pools, except as provided herein below:

a. Watering and/or sprinkling shall be permitted for odd numbered addresses on odd numbered dates, and for even numbered addresses on even numbered dates. All such watering and/or sprinkling shall be accomplished only between the hours of four o'clock (4:00) P.M. to ten o'clock (10:00) A.M.

b. Newly sodded areas of lawns may be watered at any time on any day for the two (2) week period following the installation of such sod.

2. In case of failure of any of the water sources providing water for the village or in case of a water shortage, the village manager, upon declaring an emergency exists, is hereby authorized to implement the emergency water use plan currently being utilized by the village (as same may be amended from time to time to meet Illinois state requirements) and to impose immediate restrictions upon the use of water for the purpose of watering and/or sprinkling lawns and/or gardens or for the purpose of filling and/or refilling swimming pools.

C. Construction Water Use: For all construction, a deposit as set forth in appendix A, division II of this code shall be paid for the use of a construction water meter and water used will be billed by the village treasurer in accordance with the normal water rates in effect at the time of use. It shall be unlawful for the user to install said construction water meter on any fire hydrant. It will, therefore, be the user's responsibility to supply the necessary tap and/or pipe work for this construction water meter. (Ord. 5253, 5-21-2002)

#### **9.407: PENALTY:**

The penalties described in this section supersede those listed in section 9.103 of this chapter.

A. Notwithstanding the provisions of section 9.103 of this chapter, and notwithstanding the power of a police officer to arrest any violator and take him into custody, whenever a village official designated under section 9.103 of this chapter, is authorized to issue a citation because of a violation of this section, said official may, in lieu of filing a complaint in court in the first instance, issue to alleged violator a citation:

1. Advising said person that he has violated a specified subsection herein;

2. Requesting him to make payment in an amount applicable to said alleged violation as described in subsection E of this section as settlement of said violation claim; and

3. Informing him that upon failure to so settle, a complaint will be filed in the circuit court of Cook County, charging him with such violation.

B. Pursuant to said citation, the person so accused of said violation may settle and compromise the violation claim in respect to such section violation by paying to the village the applicable amount as shown in subsection

E of this section, within a period to be specified in said citation, not more than seven (7) days of the time alleged offense was committed.

Such payment shall be made in accordance with the instructions contained in the aforesaid citation, at the office of the finance department of the village, which shall issue a receipt for the money so received and promptly remit said amount to the village treasurer to be credited to the proper municipal fund.

C. In the event that the person to whom said citation is issued fails to settle and pay said violation claim within the prescribed time, or within a period of time specified in a final notice (if one is served upon him) then such designated official is authorized to cause a notice to appear to be served upon said alleged violator and is authorized to file a complaint and to prosecute the same in the circuit court of Cook County.

D. The fact that the water meter through which the water flows is registered with the village finance director in the name of said alleged violator for billing purposes shall be considered prima facie that said alleged violator allowed the use of such water at the time of such alleged violation.

E. The violation claim described in said citation so to be issued pursuant to the terms of this section may be settled, compromised and paid in the respective amounts set forth in appendix A, division III of this code.

F. Notwithstanding the provisions of section 9.103 of this chapter and/or this section, every person found guilty of a violation of subsection 9.406A of this article, shall be subject to a fine as set forth in appendix A, division III of this code. (Ord. 5253, 5-21-2002)

#### **9.408: SERVICE PIPES:**

A. Water Service: Water services shall be constructed in accordance with the specifications detailed in section 16.407 of this code.

B. Repairs And Frozen Lines: All repairs for water service pipes of buildings shall be made by and at the expense of the owners of the premises served. This applies to the water service pipe located on the property owner's side of the B-box. The village may, in case of an emergency, repair any service pipe and if this is done the cost of such repair work shall be repaid to the village by the owner of the premises served. (Ord. 5253, 5-21-2002)

#### **9.409: WATER METERS:**

A. Reading Meters:

1. The director of public works shall read or cause to be read every water meter used in the village at such times as are necessary that bills may be sent out at the proper time.

2. Water bills shall include a notice that a monthly water meter reading is required. In the event that a water meter reading is not received by the village's finance department at least five (5) days prior to the mailing date of a water bill, the director of finance shall establish an estimated meter reading to be used for billing purposes based upon a like period during the preceding year or in such manner as the director may determine. In the event that a meter reading is estimated for six (6) consecutive billing periods, the consumer shall be given at least ten (10) days' written notice of intent to shut off the water service, the reason for the shutoff, and an opportunity to provide a water meter reading or request a hearing within the ten (10) day period with respect to such meter reading before the village manager or finance director. If the village manager or finance director confirms the shutoff, the consumer shall be allowed a reasonable period of time, not less than five (5) days, to provide the water meter reading prior to the shutoff of service. Prior to shutting off the service, a red tag notice shall be posted at the premises warning that the service will be shut off. An administrative fee, as set forth in appendix A, division II of this code, will be assessed upon the sending of the ten (10) day notice to compensate the village for its administrative expenses, whether or not the service is actually shut off. Water service, which has been shut off, shall not be resumed until the water meter reading is received.

3. Where a water meter is so located that it is not readily accessible to reading by village officials, or in the event any given user's water meter cannot be read, the director of public works is hereby authorized to request in writing that the property owner, at the property owner's expense, remove any obstruction within a time limit set by the director of public works.

4. The reading of the inside meter is the meter of record and prevails over all other readings.

B. Automated Meter Reading And Opt Out Policy: Mount Prospect is installing automated meter reading (AMR) technology throughout the village service area in order to modernize its water billing services by installing a radio frequency (RF transmitter), referred to as an endpoint, in all residential properties. AMR

wirelessly delivers information to the village's water billing system, thereby eliminating the need for personnel to go to a residence to make a water meter reading.

The village recognizes that some customers may want to opt out of having AMR technology installed inside their homes. The village shall offer customers desiring to opt out of the AMR system two (2) options:

1. **AMR Endpoint Installed Outside Of The Residence:** AMR endpoint installed on the outside (external wall) of the premises rather than inside on a basement ceiling joist directly above the water meter. Customers choosing this option shall pay a onetime charge to have the endpoint installed on an external wall (outside) of the home or business as set forth in appendix A, division II of this code.

2. **No AMR Endpoint Installed At The Property:** A remote reading register will be installed on the outside of the premises. The remote reading register is connected to the water meter by wires and does not employ radio frequency technology. The remote reading register will be read monthly with no appointment needed.

Customers choosing this option shall pay a onetime charge for installation of the outside remote reading register and they will be billed a monthly charge to pay for the readings of the outside register and one annual reading of the inside water meter register, both fees as set forth in appendix A, division II of this code. The reading on the inside water meter register shall be the reading of record.

#### C. Meter Inspections:

1. Inspectors, meter readers or other employees of the department of public works, whose duty it may be to enter upon private premises to make examinations of water meters, pipes, fixtures or appurtenances, in connection with the village water supply, or to read meters, shall be provided with proper credentials for identification purposes.

2. Any such person is herein authorized to have free access at any and all reasonable hours to any premises supplied with village water for the purpose of reading meters or for making any inspection required of the entire water supply distribution system on the premises. Such person shall present his badge and credentials to the owner of the premises when seeking admittance thereto.

3. If any owner or consumer refuses admittance to any premises where admittance has been requested by an authorized representative of the department of public works for any purposes provided in this article, then access to the premises shall not be obtained until a proper warrant has been issued. In the event that admittance to any premises has been refused, the public works director may discontinue water service at such location.

4. No person who is not an authorized agent or employee of the department of public works shall possess, wear or exhibit any badge or credentials of the department of public works. It shall be the duty of any employee possessing any such badge or credentials to surrender such badge or credentials to the director of public works upon leaving the services of the department of public works.

#### D. Meter Repairs And Replacement:

1. The department of public works is herein authorized to enter, at any and all reasonable hours, any premises supplied with village water for the purpose of repair or replacement of any meter.

2. All turbine compound or line meters of two inches (2") in orifice size or larger shall be maintained and repaired by the department of public works at the expense of the consumer. All other installed meters shall be maintained and repaired or replaced by the department of public works at no cost to the consumer when rendered unserviceable by reason of normal use and shall be subject to replacement pursuant to a meter replacement program to be established from time to time by the department; provided, however, that where replacements, repairs or adjustments of any meters are rendered necessary by the act, neglect, or carelessness of the consumer or occupant of any premises, or where meters are damaged by freezing, hot water, exposure or other improper use any expense caused the department of public works thereby shall be charged against and be collected from the consumer.

3. In the case of breakage, stoppage or any other irregularity in the meter, the owner or consumer shall notify the department of public works immediately, and any necessary repairs will be made by the department, as provided in this section.

4. If any owner or consumer refuses admittance to any premises where admittance has been requested by an authorized representative of the department of public works for any purposes provided in this article, then

access to the premises shall not be obtained until a proper warrant has been issued. In the event that admittance to any premises has been refused, the director of public works may discontinue water service at such location.

5. In no case shall any person interfere with or use the B-box except by specific permission from the department of public works. No person, other than an authorized employee of the department of public works, shall turn on the village water supply to any premises from which the said supply has been cut off on account of repairs or for any other cause whatsoever.

6. No person shall turn on the water supply at any premises or use the same, unless proper application for meter has been made and the water supply turned on by the department of public works.

#### E. Testing Meters:

1. Where the accuracy or record of a water meter is questioned, it shall be removed at the consumer's or owner's request, and if so desired, shall be tested in the consumer's presence in the shops of the department of public works by means of the apparatus there provided and a report thereof duly made. Both parties to the test must accept the findings so made. If the test discloses an error against the consumer of more than three percent (3%) in the meter's registry, the excess of the consumption on the bill shall be adjusted and the entire expense of the test will be borne by the village, and the deposit required as hereinafter prescribed shall be returned. Where no such error is found, the person who has requested the test shall pay the actual expense of the test whether performed by an independent testing service or the village.

2. Before making a test of any meter, the person requesting such test shall at the time of making application for a test make a deposit in the amount set forth in appendix A, division II of this code at the office of the finance department subject to the conditions of this section.

3. No meter shall be removed or in any way disturbed, nor the seal broken, except in the presence of or under the direction of the director of the department of public works. (Ord. 5253, 5-21-2002; amd. Ord. 6033, 10-2-2012; Ord. 6240, 4-5-2016)

### **9.410: WATER RATES:**

A. Water rates shall be set forth in appendix A, division II of this code.

B. Water furnished by the truckload shall be billed at the rate of twice the amount charged in appendix A, division II of this code, together with payment of a hookup charge as set forth in appendix A, division II of this code, and such water must be picked up at the public works building.

C. If any meter at any time fails to register the quantity of water consumed, the same shall be determined and charges made, based upon a like period during the preceding year, or in such manner as the finance director may direct.

D. It shall be the duty of the consumer to give notice to the village of intention to vacate premises or discontinue water service. Such notice shall so far as possible specify the date when such service is to be discontinued to the end that the department of public works may remove the meter from the premises, or take a final meter reading and issue a final bill.

E. A consumer shall be responsible for all water used through the meter or otherwise at the premises described in his application until notice to discontinue such service has been given to the village, and water service has thereafter been discontinued by the consumer.

F. Nothing in this chapter shall prohibit the president and board of trustees of the village from entering into an intergovernmental agreement to sell water to another governmental entity. The rate for water to be sold by the village to a governmental entity shall be as specified in the intergovernmental agreement. (Ord. 5253, 5-21-2002)

### **9.411: BILLING:**

Billings for water provided under this article shall be compiled and processed monthly or as the director of finance shall determine. Users of both water and sewer shall receive a combined bill. For users within the corporate limits of the village, the village may mail water and sewer bills to users other than the property owner as directed by the property owner, notwithstanding any agreement between a property owner and the tenant regarding the payment of water and sewer bills shall not be binding to the village. For users outside the corporate limits of the village, the billing for water and sewer shall be billed to and be the responsibility of the legal or beneficial owner of the property.



A. **Leakage No Rate Deduction:** No deduction shall be made on account of a water leak after water has passed through a meter except as is hereinafter provided. In the event that meter registration amounts to substantially more than the usage for the preceding twelve (12) months and inspection reveals that the increase in meter registration was caused by a leak as a result of a defective meter, defective plumbing or plumbing fixtures or such other conditions as are beyond the control of the consumer, occurring prior to the consumer's knowledge of the defect, as determined by the public works director, then the finance director, in the exercise of reasonable discretion, may abate or refund an amount equal to seventy five percent (75%) of the excess over an amount equal to the sum of the usage of the twelve (12) preceding months plus the average use for the current billing period times the current rate; provided, however, that no rebate or refund shall be allowed unless and until the defect is repaired.

B. **Access For Audit:** The IEPA, USEPA or its authorized representative shall have access to any books, documents, papers and records of the village which are applicable to the village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with state and federal terms and conditions pertaining to any state or federal grant. (Ord. 5253, 5-21-2002; amd. Ord. 6033, 10-2-2012)

#### **9.412: DELINQUENT AND UNPAID ACCOUNTS:**

A. **Penalty For Nonpayment:** All water and sewer charges shall be due and payable on or before the twenty first day after the date of the statement for such charges. All bills unpaid after the twenty one (21) day period provided for shall become delinquent and a penalty of a percentage set forth in appendix A, divisions II and III of this code of the total amount of such charges shall be added thereto and shall be due in addition to the charges for such services. The provisions of this section shall apply to all consumers regardless of whether the premises is owner occupied or occupied by a tenant. Any agreement between a property owner and his tenant regarding the payment of water or sewer bills shall not be binding to the village.

B. **Water Service Shutoff:** Whenever charges for water service have remained unpaid for more than sixty (60) days after the date of the statement for such services, the water service may be shut off to the premises of such delinquent consumer. The consumer shall be given at least ten (10) days' written notice of intent to shut off such service, the reason for the shutoff, and an opportunity to request and obtain a hearing with respect to such unpaid charges before the village manager or finance director. If the village manager or finance director confirms the shutoff, the consumer shall be allowed a reasonable period of time, not less than five (5) days, to pay the delinquent charges prior to the shutoff of services. Prior to shutting off the service, a red tag notice shall be posted at the premises warning that the service will be shut off. An administrative fee, as set forth in appendix A, division II of this code, will be assessed upon posting of the red tag notice to compensate the village for its collection expenses, whether or not the service is actually shut off. Water service, which has been shut off, shall not be resumed until all bills, late charges and penalties have been paid, including the administrative fee. It shall be the duty of the director of finance to enforce the provisions of this section whenever delinquency shall occur.

#### C. **Lien:**

1. Charges for water and sewer shall be a lien upon the premises upon and for which such service is supplied, as provided by 65 Illinois Compiled Statutes 5/11-139-8, whenever a bill for water or sewer service remains unpaid sixty (60) days after it has been rendered. The village clerk may file in the office of the recorder of deeds of Cook County, Illinois, or in the office of the registrar of Torrens titles of Cook County, Illinois, the statement of lien claim which shall contain a legal description of said premises, the amount of all unpaid charges for water and sewer service supplied thereto, including connection and water meter repair or replacement cost, up to the date of filing such statement, the date when such amount became delinquent, and a notice that the village claims a lien for this amount as well as for all charges for water and sewer service to the premises subsequent to the period covered by the bill. Said statement of lien claim shall be a sworn statement. If the user of water and sewer whose bill is unpaid is not the owner of the premises, and the clerk has notice of this, then notice shall be mailed to the owner of the premises, if his address is known to the clerk, whenever such bill remains unpaid for a period of sixty (60) days after it has been rendered. The failure of the clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for unpaid water and sewer bills as mentioned in this section.

2. The filing of any claim for lien under this section shall not be construed to limit the right and power of the village to enforce collection of the delinquent water or sewer account against the consumer in any manner whatsoever.

3. Property subject to a lien for unpaid water or sewer charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by complaint for foreclosure filed in the circuit court of Cook County in the name of the village.

The village attorney is hereby authorized and directed to institute such proceedings, in the name of the village, in any court having jurisdiction over such matters, against any property for which a water or sewer bill has remained unpaid sixty (60) days after it has been rendered. (Ord. 5253, 5-21-2002; amd. Ord. 5663, 11-20-2007; Ord. 6033, 10-2-2012)

#### **9.413: USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED:**

##### **A. Definitions:**

**PERSON:** Any individual, partnership, copartnership, firm, company, limited liability company, corporation, association, joint stock company, trust, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

**POTABLE WATER:** Any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

##### **B. New Wells Prohibited:**

1. **Parties Other Than The Village Of Mount Prospect:** The use or attempted use of groundwater as a potable water supply by the installation or drilling of wells or by any other method is prohibited. The foregoing shall not apply to uses or methods in existence before May 21, 1985, or to any use of wells by the village of Mount Prospect. If an existing private well becomes unusable or inoperable for any reason, the users of that well shall immediately be required to connect to the village water main.

2. **Village Of Mount Prospect; Memorandum Of Understanding:** Prior to the installation of a new public potable water supply by the village, the village president shall enter into a memorandum of understanding with the Illinois environmental protection agency ("IEPA") as required under Illinois administrative code title 35, section 742.1015. Pursuant to such memorandum of understanding, the village will assume responsibility for tracking remediated sites, notifying the Illinois EPA of changes to this section, and taking certain precautions when selecting a location for a public potable water supply well.

**C. Unimproved Property:** Any unimproved property within the village shall, at the time it is improved, be connected to a village water main in accordance with subsection 15.502D of this code.

**D. Annexation Required:** Any parcel and/or building located outside the village shall be required to annex to the village prior to connection onto the village water supply in accordance with subsection 15.308C of this code.

**E. Penalties:** Any person found in violation of this section shall be subject to a fine as set forth in section 9.103 of this chapter. (Ord. 5611, 1-16-2007; amd. Ord. 5628, 5-1-2007; Ord. 5856, 5-3-2011)

#### **9.414: CROSS CONNECTIONS PROHIBITED:**

##### **A. General Policy:**

1. The director of public works and the director of community development shall be responsible for protection of the public water supply system from contamination due to backflow or back siphonage of contaminants through the customer's water service connection. If, in accordance with the Illinois plumbing code, hereinafter referred to as the "code", or in the judgment of the director of community development or the director of public works, an approved backflow prevention device is necessary for the safety of the public water supply system, notice will be given to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the code and all applicable local regulations and shall have inspections and tests made of such approved device upon installation and as required by the code and this article.

2. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private auxiliary or emergency water supply other than the regular public water supply of the village or distribution system of said municipality, unless such private, auxiliary or emergency water supply and use of such supply shall have been approved by the director of community development and the director of public works. The method of connection shall conform to the rules and regulations of the code and shall be approved by the director of community development or authorized representatives.

3. It shall be the duty of the director of public works or authorized representatives to cause surveys and investigations to be made of industrial, commercial, and other properties served by the public water supply to determine whether or not actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of record and shall be repeated at least every two (2) years or as often as the director of public works shall deem necessary. Completion of these surveys is mandatory. Failure to submit a completed survey will be considered a violation of this article and will subject the offending consumer to a discontinuation of water service. Records of such surveys shall be maintained by the village and available for review for a period of at least five (5) years.

4. If ordered by the director of community development, any owner of property served by a connection to the public water supply or distribution system of the village shall procure the services of a licensed cross connection control device inspector for the purpose of verifying the presence or absence of cross connections, and that the director of community development or authorized agent shall have the right to request entry at any reasonable time to any property served by a connection to the public water supply or distribution system of the village for the purpose of verifying information submitted by the customer regarding the required cross connection control inspection. Upon request, the owner, lessees or occupants of any property so served shall furnish to the director of community development any information regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the director of community development, be deemed evidence of the presence of cross connections, as provided in this article.

5. The director of community development of the village is hereby authorized to direct and request the director of public works to discontinue, and the director of public works is authorized to discontinue, after reasonable notice to the occupant and/or owner thereof, the water service to any property wherein any connection in violation of the provisions of this article is known to exist, and to take such other precautionary measures deemed 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 article. Immediate disconnection with verbal notice can be effected when the director of community development or the director of public works 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 director of community development, or the director of public works or authorized agent(s), such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the village, its director of community development, director of public works, nor its 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 article, whether or not said termination was with or without notice.

6. A backflow prevention device approved by the director of community development, or authorized representative(s), shall be installed on all service connections to the village water supply at a location and in a manner in accordance with the code and all applicable local regulations and shall have inspections and tests made of such approved device upon installation and as required by the code and this article.

#### B. Purpose And Application:

1. Purpose: The purpose of this article and cross connection control program 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.

2. Application: Provisions of this article shall apply to all premises served by the public potable water supply system of the village.

#### C. Cross Connections Prohibited:

1. Connections between potable water systems and other systems or equipment containing water or 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.
2. 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 director of community development.
3. There shall be no arrangement or connection by which an unsafe substance may enter a supply.

D. Surveys And Investigations:

1. The director of public works shall circulate a cross connection control device survey to all consumers with a potential risk of backflow or back pressure to the village potable water supply. This survey shall be completed by the property owner or consumer at the premises served and returned to the public works department within thirty (30) days of the date of issue. Failure to submit a completed survey will subject the property owner or consumer to the penalties outlined in subsection K of this section.
2. The consumer, if ordered by the director of community development or authorized representative, shall procure the services of an approved cross connection control device inspector for the inspection of the presence or absence of cross connections within the consumer's premises and for testing, repair and maintenance of cross connection control devices within the consumer's premises, and the consumer shall be responsible for all costs related thereto.
3. On request by the director of community development or 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 community development or authorized representative for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross connection inspection results.
4. It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on the premises to determine whether or not there are actual or potential cross connections to the water system through which contaminants or pollutants could backflow into the private water service or the public potable water system. All cross connection control or other plumbing inspections must be conducted in accordance with 225 Illinois Compiled Statutes 320/3.
5. It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:
  - a. Cross Connection Control: All cross connections are removed, or approved cross connection control devices are installed for control of backflow and back siphonage.
  - b. Installation: Cross connection control devices shall be installed in accordance with the manufacturer's instructions.
  - c. Inspection: Cross connection control devices shall be inspected at the time of installation and at least annually by a person certified by the IEPA as a cross connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
- d. Testing And Records:
  - (1) It shall be the duty of the consumer, at any premises on which backflow prevention devices required by these regulations are installed, to have inspections, tests, maintenance, and repairs made in accordance with the schedules noted in these regulations. Each device shall be tested at the time of installation and annually or more frequently if recommended by the manufacturer.
  - (2) A copy of all testing reports must be submitted to the director of community development within ten (10) working days of the installation. The test results for recertification must be submitted to the director of community development within ten (10) working days of the required renewal date. The date and time of the test, name and license number of cross connection control device inspector, and test results must be listed on each report.

- (3) Double check valve assemblies shall be inspected and tested at time of installation and annually thereafter, and required service performed within fifteen (15) days.
- (4) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and annually or more frequently if recommended by the manufacturer, and required service shall be performed within five (5) days.
- (5) Testing shall be performed by a person who has been certified by the IEPA as competent to service the device. Proof of approval shall be in writing.
- (6) Records submitted to the village water supply shall be available for inspection by IEPA personnel in accordance with 415 Illinois Compiled Statutes 5/4.
- (7) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
- (8) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- (9) Backflow prevention devices shall not be bypassed, made inoperative, removed, or otherwise made ineffective without specific authorization by the director of community development.
- (10) A maintenance log shall be maintained and include:
  - Date of each test.
  - Name and CCCDI license number of person(s) performing the test.
  - Test results.
  - Repairs or servicing required.
  - Repairs and date completed.
  - Service performed and date completed.

E. Where And When Protection Is Required:

1. An approved backflow device shall be installed on all connections to the public water supply, as described in the Illinois plumbing code, 77 Illinois administrative code 890 and the IEPA's regulations, 35 Illinois administrative code 680. 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 community development, the director of public works, or their authorized representative(s), actual or potential hazards to the public water supply system exist.
2. If ordered by the director of community development, the water customer at subject premises shall install, test, and submit a copy of said test results to the director of community development within sixty (60) days of being so ordered unless the director of community development or the director of public works or their authorized representatives determine that the nature of the threat to the public potable water supply requires more timely compliance.
3. An approved backflow prevention device shall be installed on each service line to a consumer's water system including, but not limited to, situations where the following conditions exist:
  - a. Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the director of community development.
  - b. 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 public works.
  - c. Premises having internal cross connections that, in the judgment of the director of community development or a cross connection control device inspector, are not correctable or that have intricate plumbing arrangements which make it impractical to determine whether or not cross connections exist.

d. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross connection survey.

e. Premises having a repeated history of cross connections being established or reestablished.

4. 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 IEPA'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 community development determines that no actual potential hazard to the public water supply system exists:

- a. Hospitals, mortuaries, clinics, nursing homes.
- b. Laboratories.
- c. Piers, docks, waterfront facilities.
- d. Sewage treatment plants, sewage pumping stations or storm water pumping stations.
- e. Food or beverage processing plants.
- f. Chemical plants.
- g. Metal plating industries.
- h. Petroleum processing or storage plants.
- i. Radioactive material processing plants or nuclear reactors.
- j. Car washes.
- k. Pesticide, or herbicide, or extermination plants and trucks.
- l. Farm service and fertilizer plants and trucks.

#### F. Type Of Protection Required:

1. The type of protection required under subsections E3a through E3c of this section shall depend on the degree of hazard which exists as follows:

a. 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.

b. 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.

c. An approved, fixed, proper air gap separation, or an approved, reduced pressure principle backflow prevention assembly or double check valve assembly shall be installed where public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

2. The type of protection required under subsections E3d and E3e of this section shall be an approved, fixed, proper air gap separation or an approved, reduced pressure principle backflow prevention device.

3. 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 under the following conditions:

- a. When the fire safety system contains antifreeze, fire retardant, or other chemicals.
- b. When water is pumped into the system from another source.
- c. When water flows by gravity from a nonpotable source; or when water can be pumped into the fire safety system from another source.
- d. When there is a connection whereby another source can be connected to the fire safety system.

4. Any addition or alteration to an automatic sprinkler system shall be in accordance with the appropriate design standard for the system. If the addition of a backflow prevention device decreases the water pressure below the required pressure for the fire safety system, additional measures shall be taken in each such case to restore the pressure to the operating level required by mechanical means (i.e., a fire pump).

5. Before a backflow prevention device is installed retroactively on a fire sprinkler system, a thorough hydraulic analysis shall be performed including:

a. Revised hydraulic calculations for hydraulically calculated systems in accordance with NFPA 13, 13R, or 13D. Submitted calculations should include the pressure loss anticipated through the backflow prevention device,

b. Revised sprinkler system demand for pipe schedule systems,

c. Current water supply data based on a water supply test, including a comparison assuring that any additional pipe lengths or fittings necessary to accommodate the proper installation of the backflow prevention device will not increase the sprinkler system demand beyond the available water supply, and

d. All necessary modifications contributing to the additional friction loss.

These items, including a manufacturer's data sheet indicating the expected pressure loss, must be submitted to the fire department fire prevention bureau prior to the installation of the backflow prevention assembly.

#### G. Backflow Prevention Devices:

1. All backflow prevention devices or methods required by these rules and regulations 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 specifications.

2. Installation of approved devices shall be made in accordance with 35 Illinois administrative code 653.802, and only as specified by the Research Foundation for Cross Connection Control of the University of Southern California, or applicable industry specifications. Maintenance, as recommended by the manufacturer of the device, shall be performed. Manufacturer's maintenance manual shall be available on site.

#### H. Booster Pumps:

1. 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.

2. 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 community development, at least once a year, that the device is operable.

I. Fire Pumps: Fire pumps shall be installed per NFPA 20, "Standard For The Installation Of Centrifugal Fire Pumps", and all applicable state of Illinois regulations.

J. Cross Connection Control Program Administration Fee: For each cross connection control device installed, a fee as set forth in appendix A, division II of this code shall be paid by the property owner upon whose premises the device was installed. The village treasurer shall bill each such water customer at the date of installation and thereafter at the annual anniversary of said date. Property owners with cross connection control devices installed prior to September 1, 1994, shall be billed the appropriate amount by the village treasurer upon notification of the presence of said devices and annually thereafter upon the anniversary of said notification date.

#### K. Violations:

1. The director of community development shall request or direct the director of public works to deny or discontinue, after reasonable notice to the occupants and owners thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained, and repaired in a manner acceptable to the director of community development, 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 device required by this article is not installed and maintained in working order.

2. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this article and to the satisfaction of the director of community development and until a reconnection fee, as set forth in appendix A, division II of this code, for expenses incurred disconnecting and reconnecting the water services, is paid to the village. This fee must be paid in addition to any other fines described in subsection K4 of this section.

3. The consumer responsible for back siphoned or back pressured material or contamination through backflow must bear the cost of clean up of the potable water supply system and shall be totally liable for all claims that may result from such incidents 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.

4. Any person, firm or corporation who/which violates, disobeys, omits, neglects, or resists enforcement of any of the provisions of this article shall be fined for each offense as set forth in appendix A, division III of this code, and each day upon which such a violation continues shall constitute a separate offense. (Ord. 5253, 5-21-2002)