

CHAPTER 38

UTILITIES

ARTICLE I – DEPARTMENT ESTABLISHED

38-1-1 **UTILITIES DEPARTMENT.** There shall be established an executive department of the City known as the "**Utilities Department**". It shall include the City Superintendent, the Public Works Committee and the employees of the Department. **(Ord. No. 1051; 01-05-04)**

38-1-2 **PUBLIC WORKS COMMITTEE.** The Committee on Public Works shall recommend the policies and procedures of the Water Department, Electric Department, Gas Department, and Sewage Department; shall ascertain the condition and needs of the Department(s); shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof may be had, and generally, shall do all acts necessary to promote the efficiency of the Department(s). **(Ord. No. 1051; 01-05-04)**

38-1-3 **CITY SUPERINTENDENT.** The City Superintendent, hereinafter called the "Superintendent", shall have those duties and responsibilities as outlined in **Section 1-2-110 of Article II, Division X of Chapter 1, entitled "Administration"**.

38-1-4 **ACCOUNTS AND RECORDS.** It shall be the responsibility of the City Collector, hereinafter known as the "Collector", or his designated representative, to establish and maintain a proper financial system of accounts and records for each and every utility system the City operates. This system shall indicate the amount of revenues received from each utility system and all financial transactions in connection therewith. All utility accounts shall be properly audited annually by an independent public accountant, as provided by the **Illinois Compiled Statutes**.

ARTICLE II - REGULATIONS, RATES AND FEES

DIVISION I - GENERAL PROVISIONS

38-2-1 CONTRACT FOR UTILITY SERVICES.

(A) **Customer Accepts Service.** The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company, corporation or entity who is (1) an applicant for any lot, parcel of land or premises receiving utility services; (2) an occupant of such premises receiving utility services; or (3) the user of the utility services and every such applicant, occupant and/or user shall herein be referred to as the "**customer**". Each and every customer shall be held to have consented to be bound by all terms and conditions of this Chapter. The utility services referred to herein are the **Water, Gas, Electric and/or Sewer System(s)** of the City. **(Ord. No. 1421; 02-04-19)**

(B) **Not Liable for Interrupted Service.** The City will endeavor at all times to provide a regular and uninterrupted supply of service, but in case the supply of service shall be interrupted, or irregular, or defective, or fail from causes beyond its control, or through ordinary negligence of employees, servants or agents, the respective Utility Department shall not be liable therefor, except for sewer back-up damages to user caused by City's negligence. In such case, the City accepts liability for the damage to the extent the same is covered by and paid for by the City's liability insurance. **(Ord. No. 1007; 01-07-02)**

(C) **Using Services Without Paying.** Any person using Utility Services from the City without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or by-pass any meter shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in **Section 1-1-19** of the "Revised Code of Ordinances".

(D) **Destroying Property.** 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 Utility Systems, or erecting signs on the property of the Utility Systems without permission shall, upon conviction of such act, be fined as provided in **Section 1-1-19** of the "Revised Code of Ordinances".

(E) **Service Obtained by Fraud.** All contracts for Utility Services shall be made in the name of the person, firm, or corporation using the established spelling of that person's, firm's or corporation's name. Attempts to obtain service by the use of other names, different spellings, or by substituting other persons or firms will be considered a subterfuge and service will be denied. If service has been discontinued because of non-payment 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.

(F) **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 next billing shall include the charges for services used during the unbilled month. A month shall be considered as that period of approximately **thirty (30) days**.

(G) **Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the Utilities Systems during a month unless the customer notifies the City prior to the **first (1st) day** of the new billing month in which the Utility Services are to be discontinued. Once the customer provides the appropriate notice of discontinuance to the City mentioned previously in this subsection for any particular type of utility service, then the customer will not be liable for any minimum charges stated in this Chapter for that particular type of utility service. **(Ord. No. 1267; 10-03-11)**

Once the customer provides the appropriate notice of discontinuance to the City mentioned previously in this subsection for any particular type of utility service, then the customer will not be liable for any minimum charges stated in this Chapter for that particular type of utility service. **(Ord. No. 1266A; 10-03-11)**

(H) **Billing Procedure.**

(1) **Procedure and Late Charges.** All utility bills shall be rendered by the **sixteenth (16th) day** of each month at net through the last day of the month that billing was made. A penalty of **five percent (5%)** shall be added to all bills not paid by the last day of the month that billing was made unless good cause is shown by customer for late payment. (Receipt of Social Security on the **third (3rd) day** of the month by the customer shall be sufficient proof of a showing of "good cause".) If any bill is still unpaid by the **fifth (5th) day** of the month following the month of billing, a notice of intended disconnection shall be mailed to the utility customer, such notice being in the form as shown below. After such notice is mailed, any customer whose utility bill is still unpaid after **five (5) additional days** shall be considered delinquent and utility service to such customer shall be disconnected. If the customer is not the owner of the premises to be disconnected, then a **"Notice of Disconnection"**, the form and contents of which is shown below, shall also be mailed to the owner. **(Ord. No. 856; 07-01-96)**

All utility bills will be sent in the form which shall contain the contents as follows:

- (2) **Late Billing Dates.** Should the rendering of the monthly utility bills be delayed beyond the **sixteenth (16th) day** of a single month, the time of such delay shall be added to the normal time for the net payment of bills and before the time of the provisions for penalty and disconnection shall commence.
- (3) **Reconnection Fee For Delinquent Customers.** If any utility bill remains unpaid after disconnection for a delinquent bill, the customer shall pay the utility charges and penalties plus a reconnection fee for each utility, as follows:
 - (a) **Twenty-Five Dollars (\$25.00)** per utility for the first reconnection in a calendar year.
 - (b) **Fifty Dollars (\$50.00)** per utility for each connection thereafter in the same calendar year.
 - (c) The above reconnection fees are for reconnections during regular business hours. An additional **Twenty-Five Dollars (\$25.00)** per utility shall be charged for all reconnections performed during other times. **(Ord. No. 1051; 01-05-04)**

- (4) **Method of Payment.**
- (a) **Payment in Full.** Each utility customer shall pay the customer's monthly utility bill in full unless a customer elects and qualifies for Budget Billing.
- (b) **Budget Billing.** Qualified customers may elect Budget Billing. A qualified customer is one who (i) applies for Budget Billing; (ii) has the account in the customer's name. **(Ord. No. 1287; 10-01-12)**
- (c) **Budget Billing Procedure.** Any utility customer who chooses Budget Billing may apply between January 1 and March 15 or between June 1 and August 15 on forms furnished by City at City Hall. **(Ord. No. 1287; 10-01-12)**
- (d) **Budget Billing Calculation.** Upon receipt of the Budget Billing application, City will determine if the customer qualifies for Budget Billing. If the customer qualifies, City shall compute customer's utility bill for the prior **twelve (12) months** at the applied for address and divide that amount by **twelve (12)** and round off to the nearest **One Dollar (\$1.00)**. If a **twelve (12) month** history is not established for the applied for address, then customer shall wait until **twelve (12) months** of data is recorded at the applied for address. Such amount shall be customer's monthly utility bill commencing with the **April 15th or October 15th** utility statement in the year of application. City will notify customer in writing as to the amount customer is to pay monthly. The customer's monthly Budget Billing amount may be changed only after the audit as described in **Section 38-2-1(H)(4)(e)**. **(Ord. No. 1287; 10-01-12)**
- (e) **Audit of Account.** City shall audit customer's actual utility charges on April 1 and October 1. Customer's account shall be credited or debited if the actual utility charges for the period show a credit or deficiency to their account. The customer's monthly Budget Billing amount will only be increased or decreased if the credit or deficiency to their account equals their monthly Budget Billing amount.
- (i) If customer is to receive a credit, customer's credit shall be applied to the next month(s) utility bill(s).
- (ii) If the estimated Budget Billing was not sufficient to pay all of customer's actual utility charges, City shall notify customer of the amount of deficiency and customer shall have until **April 30th or October 31st** to pay the deficiency. If customer fails to timely pay the deficiency, customer shall be subject to penalties and disconnection as stated above in **Section 38-2-1(H)(1)** with the penalty being assessed on the **first (1st) day of May or first (1st) day of November** after the deficiency notice is sent by City to customer. The disconnection notice shall be sent **five (5) days** thereafter in the event the deficiency remains unpaid. **(Ord. No. 1287; 10-01-12)**
- (f) **Arrearage.** If customer is in arrears in payment of customer's monthly Budget Billing, Budget Billing shall

cease in the month of arrearage and customer shall pay customer's utility bill in full computed on customer's actual utility charges. Further, customer shall be assessed a deficiency, if any, on customer's next utility bill.

(g) **Termination of Usage.** If customer wishes to terminate receipt of utilities, customer's account shall be audited for the actual utility charges and customer shall be debited or credited accordingly. City shall pay the person(s) who signed the Budget Billing application if customer is to receive a credit. If customer's account is deficient, customer shall pay such deficiency within **fifteen (15) days** of the date of the deficiency notice.

(h) **Annual Renewal.** Unless otherwise notified by customer, Budget Billing will continue each year so long as customer has not been in arrears. **(Ord. No. 1287; 10-01-12)**

(Ord. No. 1129; 03-06-06)

(I) **Lien Notice.** Whenever a bill for utility services remains unpaid for **ninety (90) days** after it has been rendered, the Collector shall file with the County Recorder of Deeds a statement of lien claim, provided the customer is the owner of the property which is connected to the utility services. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the municipality claims a lien for this amount as well as for all charges for utility services served subsequent to the period covered by the bill. Notice of the lien shall be sent to the owner by the Collector.

The failure of the Collector 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 utility bills as mentioned herein. **(Ord. No. 638; 11-02-87)**

(J) **Foreclosure of Lien.** Property subject to a lien for unpaid utility charges shall be sold for non-payment 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 billed in the name of the City.

The City Attorney is hereby authorized to institute foreclosure of lien proceedings in the name of the City, in any Court having jurisdiction over such matters.

In the event collection becomes necessary in order for the City to collect unpaid utility bills, the utility user shall not only be responsible for payment of his or her unpaid utility bills, but shall also be responsible for payment of any reasonable collection fees, to and including reasonable attorney fees and costs incurred by the City in its effort to collect the unpaid utility bills from the delinquent utility user. **(#638; 11-02-87)**

(K) **Liability for Charges.** The applicant for any lot, parcel of land or premises receiving Utilities Services, the occupant of such premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises and all services are rendered to the premises by the City only on the condition that such applicant, occupant and user shall be jointly and severally liable therefor to the City. **(Ord. No. 638; 11-02-87)**

(L) **Inoperable Meter; Estimated Charges.** Whenever any utility meter, by reason of its being out of repair or from any cause, fails to properly register the utility consumption passing through the same, the consumer shall be charged an amount based upon previous billings amended to current conditions when such information is available. If no record of previous billings exists, then it shall be the duty of the City Collector to estimate the amount of utilities consumed during the time the meter fails to operate, and the consumer shall be charged the estimated amount.

(M) **Returned Checks.** There shall be an additional charge of **Thirty-Five Dollars (\$35.00) per check** returned to the City because of insufficient funds or cancellation of the check by the customer. **(Ord. No. 1322; 05-05-14)**

38-2-2 **NO FREE SERVICE; SPECIAL RATES.** No free utility services shall be furnished to any person, firm or corporation. All rates and charges shall be non-discriminatory: provided, however, the City Council reserves the right to impose special rates and charges in cases where particular circumstances render the established rates inadequate or unjust. If the City Council should elect to supply the various City departments with utility services for any purpose, they shall establish the proper rate to be charged against the respective fund.

38-2-3 **METERS BILLED SEPARATELY.** Each and every utility meter shall be billed as a separate utility customer. Therefore, combining readings of **two (2) or more** meters of the same utility shall not be permitted. (**#633**)

38-2-4 **UTILITY SECURITY DEPOSIT.**

(A) **Amount.** In addition to the utility connection fees for municipal utilities, each applicant for residential service who is not the owner of said property and any applicant operating a business shall deposit with the City of Red Bud, an amount equal to **two (2) months'** estimated bill, based upon an average of **twelve (12) months'** usage but in no event to exceed **Three Thousand Dollars (\$3,000.00)** as a guarantee for the payment of utility bills. (**Ord. No. 1334; 01-05-15**)

(B) **Mobile Housing Deposit.** When an applicant owns a mobile home or immobilized mobile home, but rents a lot, he shall be required to pay the prescribed deposit as provided above in paragraph (A).

(C) **Application.** Each applicant for utility services who is required to pay the prescribed deposit as provided above in Paragraphs A and B shall submit an application for connection of utility services which includes the following information:

- (1) The applicant's driver's license number;
- (2) The applicant's telephone number and cell phone number;
- (3) The applicant's social security number;
- (4) The applicant's residence address; and
- (5) The applicant's signature.

(D) **Utility Security Deposit Account.** The City has utility security deposits which have been assigned by the customer to the City of Red Bud, which are held at a designated City depository. The City of Red Bud shall have the authority to transfer from the Utility Security Deposit Account an amount equal to any amount due and owing to the City for failure to pay any utility bill(s) owed by the applicant provided the City has complied with the procedures enumerated in **Section 38-2-1(H)(1)** of this Code. (**Ord. No. 1334; 01-05-15**)

(E) **Refunds.**

- (1) **Utility Security Deposit Account.** The utility security deposit(s) of each customer shall remain in the designated City depository and shall be subject to the assignment to the City until such time as the customer discontinues their utility

use or until or after **twenty-four (24) months** from the date of deposit for residential Customers only. Any

residential Customer requesting the return of their deposit at or after the **twenty-four (24) month** period must do so in writing. If the Customer owes any amount of utility service and charges, the Customer's Utility Security Deposit shall be applied toward any monies due and owing to the City. The balance, if any, shall be refunded to such Customer. In the event any Customer discontinues service or has requested their deposit as stated above and has paid in full all amounts due for utilities or service charges, then the full amount of their Utility Security Deposit shall be refunded and the City Collector shall release the assignment of the Utility Security Deposit.

- (2) **Customers Who Participate in Energy Assistance Programs.** Notwithstanding the foregoing, Customers who participate in energy assistance programs, such as Western Egyptian Economic Opportunity Counsel, Inc., are not eligible to receive a refund of their utility security deposit until their account has been paid in full and closed.

(F) **Uncollected Accounts.** The Public Works Committee of the City is hereby authorized to notify the Collector when any overdue utility account should be written off due to the inability to collect, for whatever reason. Upon notice by the Public Works Committee that an account should be charged off, the Collector shall transfer to the respective City Utility account the sum due and owing on such account from the interest collected by the City and the Customer's Deposit Account(s), as may be applicable.

When the Public Works Committee has notified the Collector to transfer interest monies as specified in this subsection, the Collector shall transfer the delinquent utility user from the active delinquent role of unpaid utility users to the "dead" utility user's role. The latter consists of those utility users who have not paid their accounts and have been determined to be non-collectible by the Public Works Committee. No unpaid utility user may receive additional utility service until the accounts are paid in full unless such Customer has filed for bankruptcy, thus causing the account to remain unpaid by stay of the Bankruptcy Court.

(G) **Notification to City.** The owner of rental or leased property shall immediately notify the City Collector, in writing, when the property is vacated so that the utility services may be terminated.

(H) **Reconnection of Service(s).** Whenever a Customer's Utility Security Deposit is used to pay a Customer's utility account for failure to pay their utility bill(s), such Customer's utility or utilities shall be disconnected unless or until the Customer deposits sufficient monies as their Utility Security Deposit so as to comply with **Section 38-2-4(A)**. If disconnection of utilities has occurred prior to the Customer's redepositing necessary funds, then they shall also pay a reconnection fee pursuant to **Section 38-2-1(H)(3)** of this Code prior to any utility being reconnected. If Customer's

Utility Security Deposit is used to pay Customer's utility bill(s) because of their failure to pay, then the Customer may not request their Utility Security Deposit to

be refunded as stated in paragraph (E) above until **twenty-four (24) months** have elapsed since the last date the Customer defaulted in payment of their utility bill.
(Ord. No. 1334; 01-05-15)

38-2-5 APPLICANT REQUESTS DISCONTINUANCE OF SERVICE. Any request for reconnection of any City utility service shall be in writing and accompanied by the fee specified above. No customer shall be permitted to disconnect or reconnect any of the services. Any disconnection or reconnection of any of the utility services will be made only by the City or its properly authorized employees. In the event a customer has been disconnected from utility services for failure to pay for such services, no customer may have any utility service reconnected unless all amounts owed by the customer to the City are paid in full. Upon payment by the customer of all unpaid utility bills, if any, the utility services may be reconnected upon payment of the deposit fees as specified above and upon payment of reconnection fee(s) as stated in **Section 38-2-1(H)(3)** as amended from time to time.
(Ord. No. 1051; 01-05-04)

38-2-6 CONTINGENCY FUNDS FOR FUTURE CONSTRUCTION. A separate account hereafter designated as the "**Contingency Fund for Future Construction**" shall be established for each City utility, (i.e., Electric, Gas, Water and Sewer) and all future funds assessed and received for connections to the utility systems shall be deposited and maintained in each separate account. Such funds shall be reserved for future expansion of each said utility system unless required to be expended otherwise by law or contract.

38-2-7 GAS CONNECTIONS AND SAFETY CHECK. There shall be no charge for the safety check of a new permanent service for gas connection at a permanent location providing that the first safety check reveals that the service is proper and ready for connection. Should the first safety check reveal that the service is not proper and ready for connection, all subsequent safety checks required shall be billed at **Twenty-Five Dollars (\$25.00)** for each safety check during business hours and **Fifty Dollars (\$50.00)** for each safety check during non-business hours. Safety checks shall be in conformance with this Chapter. **(Ord. No. 1051; 01-05-04)**

38-2-8 RESALE PROHIBITED. No utility service shall be resold or distributed by the applicant or consumer thereof from the City supply to any premises other than that for which the application has been made and the meter installed. The customer shall not use any device or appliance which will modify or disturb the even, regulated pressure of other customers in his area. In the event of an emergency, the Superintendent shall approve of any deviation from this restriction. **(Ord. No. 1051; 01-05-04)**

38-2-9 - 38-2-14 RESERVED.

DIVISION II - WATER RATES AND CHARGES

38-2-15 WATER RATES. For the following classifications of water service, the rates, based on the conditions and terms as set forth, are hereby established for the sale of water to the City's customers unless otherwise agreed upon.

(A) **Residential Rate - Inside Corporate Limits.**

Customer Charge	\$6.00 per month, per meter
All 1,000 gallons used per month	\$4.40 per 1,000 Gallons

(B) **Commercial Rate - Inside Corporate Limits.**

Customer Charge	\$9.00 per month, per meter
All 1,000 gallons used per month	\$4.40 per 1,000 Gallons

(C) **Out-Of-Town Rates.** The rates for all customers located outside of the corporate limits of the City shall be **one hundred twenty-five percent (125%)** of the above rates.

(Ord. No. 1435; 03-02-20)

38-2-16 WATER SERVICE CONNECTION CHARGE.

(A) **Class 1 Water Service Connection Charge.** A water service connection charge to be known as "Class 1 Water Service Connection Charge" shall service all City municipal water customers who are not located in Sections 6 and 7, Township 4 South, Range 8 West of the Third Principal Meridian, Randolph County, Illinois and Sections 1 and 12 of Township 4 South, Range 9 West of the Third Principal Meridian, Monroe County, Illinois. The Class 1 Water Service Connection Charge shall be assessed as follows:

1" Service Connection	\$1,000.00
1 1/2" Service Connection	\$4,300.00
2" Service Connection	\$4,800.00

(Ord. No. 1419; 01-07-19)

(B) **Class 2 Water Service Connection Charge.** A water service connection charge for municipal water customers located in Sections 6 and 7, Township 4 South, Range 8 West of the Third Principal Meridian, Randolph County, Illinois and Sections 1 and 12 of Township 4 South, Range 9 West of the Third Principal Meridian, Monroe County, Illinois is hereby created and shall be known as a "Class 2 Water Service Connection Charge" and shall be assessed as follows:

1" Service Connection	\$2,000.00
1 1/2" Service Connection	\$5,300.00
2" Service Connection	\$5,800.00

(Ord. No. 1419; 01-07-19)

(C) All charges for a larger service connection shall be determined by the Superintendent and billed accordingly, such billing to be based on City's costs. Fees for changes of upgrades to service shall be determined by the Superintendent and billed accordingly, such billing to be based on City's costs. In computing City's costs, if the service

connection is located in the above-described Sections 6 and 7 and 1 and 12, it is hereby determined that the recoupment cost of the main is **One Thousand Dollars (\$1,000.00)** which shall be added to the City's other costs for a larger service connection than those stated in **Section 38-2-16(A) and (B)**.

(D) Each individual family dwelling unit, residence, commercial unit or industrial unit that is connected to the Municipal Water System shall be individually metered. No individually metered customer shall extend his line after the meter to include any additional residential, commercial or industrial unit.

(E) All connection fees are due and payable when the service is applied for and expire **one hundred twenty (120) days** thereafter with such fees refunded to customer upon expiration. Thereafter, customer shall reapply and pay for a new connection. If a change or upgrade is applied for, an estimated fee shall be paid at the time of application with the balance, if any, due when installation is completed. **(Ord. No. 1118; 01-03-06)**

38-2-17 INSTALLATION, COST, ETC. The total cost of labor, excavation and laying of connecting pipes and materials therefor with necessary connections and fixtures shall be paid for by the consumer, as furnished, including the extension inside the property line and connection with the premises. The work shall be done by or under the supervision of the Superintendent. The material and workmanship shall be approved by him and shall comply with the requirements of this Code, and the rules and regulations of any Fire Code adopted by the City Council.

38-2-18 - 38-2-19 RESERVED.

DIVISION III - SEWER RATES AND CHARGES

38-2-20 **BASIS FOR SEWER SERVICE CHARGE.** The sewage service charge for the use of and for service supplied by the sewage facilities of the City shall consist of a basic user charge for operation and maintenance plus replacement, applicable surcharges and a debt service charge.

(A) **Debt Service Charge.** The debt service charge is computed by apportioning the annual debt service on a cost per **one thousand (1,000) gallon** basis and prorated monthly for billing.

(B) **Basic User Charge.** The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

(1) A **five (5) day, twenty (20) degree centigrade (20°C)** biochemical oxygen demand (BOD) of **200 mg/l** or **1670 pounds** per million gallons.

(2) A suspended solids (SS) content of **240 mg/l** or **2000 pounds** per million gallons. It shall consist of operation and maintenance costs plus replacement costs and shall be computed as follows:

(a) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.

(b) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.

(c) Compute costs per 1000 gal. for normal sewage strength.

(C) **Surcharge for Excessive BOD and/or SS.** A surcharge will be levied to all users whose waters exceed the normal concentrations of BOD (200 mg/l) and SS (240 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 240 mg/l concentration for BOD and SS respectively. **Section 38-2-25** specifies the procedure to compute a surcharge.

(D) The adequacy of the sewage service charge per **Section 38-2-26** shall be reviewed, not less often than annually by a Certified Public Accountant for the City in his annual audit report. The sewage service charge shall be revised periodically to reflect a change in operation and maintenance costs, replacement costs and debt service charge.

(E) The users of wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater treatment operation, maintenance and replacement.

(Ord. No. 665; 07-10-89)

38-2-21 MEASUREMENT OF FLOW. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one hundred (100) gallons** excepting therefrom water which did not enter the City's sanitary sewer system (due to exceptional circumstances such as a line breakage and leakage on the building side of the meter). In the event water has been metered but did not enter the City's sanitary sewer system due to exceptional circumstances, the volume of flow used to determine sewer charges shall be the customer's average volume of flow for the previous **three (3) months. (Ord. No. 890A; 09-08-97)**

(A) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the City's waterworks system, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the City for the purpose of determining the volume of water obtained from these other sources.

(B) Devices for measuring the volume of waste discharged may be required by the City if these volumes cannot otherwise be determined from the metered water consumption records.

(C) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the City. **(Ord. No. 665; 07-10-89)**

38-2-22 DEBT SERVICE CHARGE. A debt service charge to each user of the sewage facility of the City is hereby established. A minimum charge of **One Dollar Fifty-Three Cents (\$1.53)** per month shall be applied to all users whose water consumption does not exceed **two thousand (2,000) gallons** per month. A debt service charge of **Eighty Cents (\$0.80)** per **one thousand (1,000) gallons** shall be applied to all users for water consumption in excess of **two thousand (2,000) gallons** per month. **(Ord. No. 1017; 06-03-01)**

38-2-23 BASIC USER RATE. There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the wastewater facilities of the City as follows: **[As of April 1, 2021]**

(A) A minimum charge of **Eight Dollars Eighteen Cents (\$8.18)** per month shall be applied to all users whose water consumption does not exceed **two thousand (2,000) gallons** per month.

(B) A basic user rate of **Four Dollars Twenty-Two Cents (\$4.22)** per **one thousand (1,000) gallons** shall be applied to all users for water consumption in excess of **two thousand (2,000) gallons** per month.

(C) All non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month adequate to cover the costs of the minimum debt service charge and the basic user rate of **Eighteen Dollars Fifty-Seven Cents (\$18.57)** per **five thousand (5,000) gallons**. The flat rate charge will allow a maximum of **five thousand (5,000) gallons** per month.

In the event use of the wastewater facilities is determined by the City to be in excess of **five thousand (5,000) gallons** per month, the City may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied. **(Ord. No. 1435; 03-02-20)**

38-2-24 **SURCHARGE RATE.** The rates of surcharges for BOD and SS shall be as follows:

per lb. of BOD: \$0.48
per lb. of SS: \$0.28

(Ord. No. 665; 07-10-89)

38-2-25 **COMPUTATION OF SURCHARGE.** The concentration of wastes used for computing surcharges shall be established by waste sampling. The BOD and suspended solids in the waste shall be determined from samples taken at the manhole or sampling point provided for such sampling at any period of time and of such duration and in such manner as the City may elect, or at any place mutually agreed upon by the person and the City. The results of sampling and analysis by the person may be used in determining surcharge computations after being confirmed by tests by the City.

(A) **Surcharge for Excessive BOD.** A surcharge is hereby levied on the user who discharges into the public sewage system flow containing BOD in excess of 200 mg/l. The pounds of excess BOD will be determined from the following formula:

$$P_b = F_m \times (B_x - 200) \times 8.34$$

Where:

F_m = Monthly flow in million gallons (MG) contributing to excess BOD
B_x = BOD of flow mg/l, causing the surcharge
8.34 = Conversion from mg/l to pounds per MG
P_b = Pounds of BOD subjected to surcharge
MG = Million gallons

The BOD surcharge in dollars will be determined by multiplying the pounds of BOD as determined above by the BOD surcharge rate per **Section 38-2-24** above.

(B) **Surcharge For Excessive Suspended Solids.** A surcharge is hereby levied on the user who discharges into the public sewer system flow containing suspended solids (SS) in excess of 240 mg/l. The pounds of excess SS will be determined from the following formula:

$$P_s = F_m \times (S_x - 240) \times 8.34$$

Where:

F_m = Monthly flow in MG, contributing to excess SS
S_x = Suspended solids in mg/l, causing the surcharge
8.34 = Conversion from mg/l to pounds per MG
P_s = Pounds of suspended solids subject to surcharge
MG = Million gallons

The suspended solids surcharge in dollars per month will be determined by multiplying the pounds of SS as determined above by the SS surcharge rate per **Section 38-2-24** above. **(Ord. No. 665; 07-10-89)**

38-2-26 **COMPUTATION OF SEWAGE SERVICE CHARGE.** The sewage service charge shall be computed by the following formula and the users shall be billed monthly:

$$CW = CD + CM (Vu - X) CU + CS$$

Where:

- CW = Amount of waste service charge (\$) per billing period.
- CD = Debt Service Charge per **Section 38-2-22.**
- CM = Minimum Charge for Operation, Maintenance and Replacement per **Section 38-2-23(A).**
- Vu = Sewage Volume for the billing period.
- X = Allowable consumption in gallons for the minimum charge per **Section 38-2-23(A).**
- Cu = Basic User Rate for Operation, Maintenance and Replacement per **Section 38-2-23(B).**
- CS = Amount of surcharge per **Sections 38-2-24 and 38-2-25.**

(Ord. No. 665; 07-10-89)

38-2-27 **CHARGES FOR CONNECTION TO SYSTEM.** Charges for any service connection to the Municipal Sewage System shall be assessed at rates according to the following schedule:

(A) **Class 325 Connection.** For each service connection of single dwelling units, commercial and industrial connections to a municipal trunk sewer, an assessment of **Five Hundred Dollars (\$500.00)** shall be made. The assessment shall be paid when the permit is applied for and obtained from the City Collector. Multiple dwelling units within this class of connection shall be assessed at the rate of **Five Hundred Dollars (\$500.00)** for each dwelling comprised of **six (6) units** or less, provided such units are connected into **one (1) manhole** at the property line closest to the existing main and **one (1) connection** made into the main. If a multiple dwelling unit is comprised of more than **six (6) units**, an additional fee of **Five Hundred Dollars (\$500.00)** shall be assessed for each grouping of **six (6) units** or any part thereof, provided such grouping of **six (6) additional units** or less are connected to a manhole which services the initial **six (6) units** of the dwelling.

(B) **Class 325--Mobile Home Park Connection.** Each lot located in a mobile home park shall be assessed the sum of **Five Hundred Dollars (\$500.00)**. This assessment for connection of each lot to the sewer system shall be paid at the time the first occupant of each lot applies for his or her utility hook-up with the City. At such time, the City Collector shall bill the owner of the mobile home park this assessment of **Five Hundred Dollars (\$500.00)** and such shall be paid promptly by the owner of the mobile home park. No utility hook-up shall be made until this connection/assessment is paid by the mobile home park owner.

(C) **Class 1500 Connection.** For each service connection of single dwelling units, commercial and/or industrial connections to the Municipal Trunk Sewer located in Sections 6 and 7, Township 4 South, Range 8 West of the Third Principal Meridian, Randolph Conty, Illinois and any future extension thereof into Section 1, Township 4 South, Range 9 West of the Third Principal Meridian, Monroe County, Illinois to the Municipal Trunk Sewer, an assessment of **One Thousand Five Hundred Dollars (\$1,500.00)** shall be made. The assessment shall be paid when the sewer permit is applied for and obtained from the City Collector. Multiple dwelling units within this Class 1500 Connection shall be assessed at the rate of **One Thousand Five Hundred Dollars (\$1,500.00)** for each dwelling comprised of **one (1) to six (6) units**, provided such units are connected into **one (1) manhole** at the property line closest to the main and **one (1) connection**

into the main. If a multiple dwelling unit is comprised of more than **six (6) units**, an additional fee of **One Thousand Five Hundred Dollars (\$1,500.00)** shall be assessed for each grouping of **six (6) units** or any part thereof, providing such grouping of **six (6)** additional units or less are connected to the manhole servicing the initial **six (6) units** of the dwelling. Any number of additional **six (6) unit** grouping or less may be added to the same manhole servicing the same building provided a fee of **One Thousand Five Hundred Dollars (\$1,500.00)** is paid for each additional grouping. **(Ord. No. 1419; 01-07-19)**

38-2-28 INSPECTION AND FEES.

(A) Each sewer lateral installation must be inspected by City personnel prior to covering. The cost of this inspection is included in the tap fees. A "Sewer Inspection Report" shall be completed by City following the inspection per **Appendix "A"** which is attached hereto and incorporated herein.

(B) **Loss of Paid Assessment Prior to May 1, 2003.** For a period of **ten (10) years** from the time an original assessment was paid, no additional connection fees shall be charged at the time of connection. During the period of **ten (10) years** from the date of payment of an original assessment through **twenty-five (25) years**, the connection fee in effect at the time of connection shall be reduced by the sum, if any, which was previously assessed and paid by the customer or his predecessor(s) in interest. For any connection made after **twenty-five (25) years** from the date of payment of an original assessment, no reduction shall be made to the connection fee in effect at the time of connection for any sum, if any, which was previously assessed and paid by the customer or his predecessor(s) in interest, and the connection fee shall be assessed at the rate in effect for such class of connection which is then in effect. **(Ord. No. 1051; 01-05-04)**

38-2-29 ACCESS TO RECORDS. The Illinois Environmental Protection Agency and the United States Environmental Protection Agency, or its or their authorized representative(s) shall have access to any books, documents, papers and records of the City which are applicable to the City's sewage system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of any Special or General conditions to any State Grant or loan or to any Federal Regulations and conditions of any Federal Grant or Loan to the City. **(Ord. No. 665; 07-10-89)**

DIVISION IV - ELECTRIC RATES

38-2-30 RATES AND CHARGES. For the following classifications of electric service, the rates, based on the conditions and terms as set forth are hereby established for the sale of electric energy to the City's customers unless otherwise agreed upon.

(A) **Rate I -- Residential Rate:**

Customer Charge \$10.00 per month
All KW-HRS used per month \$0.0823 per KW-HR

The minimum monthly bill shall be **Ten Dollars (\$10.00) per month.** Rate I shall apply to residences and churches.

(B) **Rate II -- Commercial Rate:**

Customer Charge \$20.00 per month
All KW-HRS used per month \$0.0987 per KW-HR

The minimum monthly bill shall be **Twenty Dollars (\$20.00) per month.** Rate II shall apply to stores, shops, garages, depots, public halls, hospitals, mills, factories, pool rooms, taverns, soft drink parlors, restaurants and other places of business, public resort or amusement.

(C) **Rate III -- Small Power Rate:**

Customer Charge \$50.00 per month
All KW-HRS used per month \$0.0823 per KW-HR

The minimum monthly bill shall be **Fifty Dollars (\$50.00) per month.** Rate III shall apply to all customers, unless otherwise agreed to, having a monthly demand of **seventy-five (75) KW** or greater with a non-lighting or heat load of more than **twenty-five percent (25%)** of the total demand, and having an average non-coincident load factor of more than **thirty-five percent (35%)** and to customers presently being served under a contract which provides for billing under this rate.

(D) **Rate IV -- Larger Power Rate:**

Customer Charge \$2500.00 per month
All KW-HRS used per month Monthly Wholesale KW-HRS Rate
Peak KW per month (coincident with the City) Monthly Wholesale KW Rate

The minimum monthly bill shall be **Two Thousand Five Hundred Dollars (\$2,500.00) per month.** Rate IV shall apply to all customers, unless otherwise agreed to, having a monthly demand of **seventy-five (75) KW** or greater with a non-lighting or heat load of more than **twenty-five percent (25%)** of the total demand, and having an average non-coincident load factor of more than **thirty-five percent (35%)** and to customers presently being served under a contract which provides for billing under this rate.

(E) **Purchased Power Adjustment (PPA).** In addition to the above compensation, the City of Red Bud, Illinois, shall collect a Purchased Power Adjustment on the sale of each KWH to each customer. For each **0.01 cent** increase or decrease or major fraction thereof, in the City's monthly purchased power of **6.50 cents** per KWH in the first **three (3) of four (4) months** preceding the billing period, there shall be correspondingly added to or subtracted from each customer's bill, an amount equal to **0.01 cents** per KWH times the total KWH billed to the customers, on all of the above rates.

(F) **Special Contracts.** The City reserves the right to enter into special contracts. In deciding whether to enter into a special contract, the City will consider the overall economic impact the customer is expected to have on the City.

(G) **Rented Dusk-to-Dawn Lights.** The rates applicable for dusk-to-dawn lights shall be as follows:

150-watt	High Pressure Sodium Light	\$11.65	per month
400-watt	Equivalent LED Light (128-watt)	\$26.10	per month
1000-watt	Metal Halide Light	\$55.20	per month
1000-watt	Equivalent LED Light (252-watt)	\$55.20	per month
*175-watt	High Pressure Sodium Light (no longer offered but still in service)	\$11.65	per month
*250-watt	Metal Halide Light (no longer offered but still in service)	\$15.00	per month
*400-watt	Metal Halide Light (no longer offered but still in service)	\$26.10	per month

(Ord. No. 1422; 03-04-19)

38-2-31 SERVICE CONNECTION CHARGE. The charge applicable to each service connection requested under this Article shall be as follows:

(A) **Fee--Standard 120/240 -Volt Single-Phase 3 Wire Service:**

200 AMP Overhead Tap	\$1,200.00
200 AMP Underground Tap	\$1,200.00
300 AMP Underground Tap	\$1,800.00
300 AMP Overhead Tap	\$1,800.00
400 AMP Overhead Tap/Overhead Service Area	\$2,300.00
400 AMP Underground Tap/Underground Service Area	\$2,300.00
400 AMP Underground Tap/Overhead Service Area--(New Service)	\$2,300.00

(Ord. No. 1345; 09-08-15)

(B) **Fee--Unattached Services: (When meter base and breaker are not attached to building for standard 120/240-volt single-phase 3-wire service):**

Installation of 200 AMP meter base and breaker	\$1,400.00
--	------------

(Ord. No. 1433; 02-03-20)

(C) **Fee--3 Phase Service: Reserved.**

* There shall be a charge of **Three Dollars (\$3.00)** for each foot of service line over **one hundred (100) feet**, such footage to be measured beginning at applicant's property line nearest an existing transformer and ending at a point of entry into applicant's building or weatherhead. **(Ord. No. 1293; 01-07-13)**

(D) All standard connection fees are due and payable when the service is applied for.

(E) Fees for changes or upgrades to existing services shall be determined by the City Superintendent and billed accordingly, such billing to be based on City's cost plus **ten percent (10%)** on materials used. **(Ord. No. 1083; 12-06-04)**

(F) If boring of the conduit/service lines or non-standard installation methods/materials are requested or required, then the customer shall pay all such additional

costs of the City and other contractors required for such installation of the service line in addition to the tap fee. **(Ord. No. 1433; 02-03-20)**

38-2-32 NON-STANDARD SERVICE CONNECTION.

(A) Any customer requesting special electrical service, not listed as a standard service connection, shall pay a sum equal to **one hundred percent (100%)** of the total cost of the additional line, transformers, metering, equipment and labor necessary to make the necessary installation.

(B) All non-standard service connection fees are due when the service is applied for. Payment will be based on an estimate prepared by the City Superintendent. If actual cost to install service is less than estimated, a refund will be made by the City. If the actual cost is greater than the estimate, a refund will be made by the City. If the actual cost is greater than the estimate, the applicant will be billed by the City.

(C) If a customer requests to have a non-standard service, and the feasibility of such service is approved by the Superintendent to provide such service, the customer assumes all risks incurred from such non-standard service. These risks would include, but not be limited to extended outages that may be due to transformer failure until the transformer is repaired or a suitable replacement can be obtained and installed. **(Ord. No. 1209; 03-02-09)**

38-2-33 TEMPORARY SERVICE CONNECTION CHARGES. For temporary service installed during construction or for some other purpose when requested as temporary service, there shall be an initial service and installation charge of **Fifty Dollars (\$50.00)** with monthly billings to then occur based upon the rates listed herein. A temporary service is 120/240 volt, 3 wire. Other temporary service requests will be reviewed by the City Superintendent, and if approved, cost shall be determined by the City Superintendent and billed accordingly, such billing to be based on City's cost. **(Ord. No. 943; 04-05-99)**

38-2-34 - 38-2-39 RESERVED.

DIVISION V - GAS SYSTEM

38-2-40 **GAS RATES.** The rates charged by the City for natural gas service shall be as follows:

(A) There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the gas facilities of the City at the rate of **Ten Dollars (\$10.00)** per meter per month. Consumers of natural gas shall be charged each month for gas usage as measured by the consumer's gas meter at a rate of **Five Dollars (\$5.00)** for the first **four hundred (400) cubic feet** or less of gas used, plus the actual cost of natural gas, as determined by the billed cost to the City in the month immediately prior to the billing month, for every **one hundred (100) cubic feet** of gas used over the first **four hundred (400) cubic feet**, plus **Eighteen and One-Half Cents (\$0.185)** for every **one hundred (100) cubic feet** of gas used over the first **four hundred (400) cubic feet.** **(Ord. No. 1398; 06-04-18)**

(B) **Interruptible Service.** The interruptible service rate for natural gas shall be the same as the Regular Service rate. **(Ord. No. 824; 08-07-95)**

(C) **Municipal Electric Generating Plant, Interruptible Gas Rate.** The actual cost of natural gas to the City. **(Ord. No. 778; 04-04-94)**

(D) **Basis of Interruption.** Any or all interruptible customers shall have the supply of natural gas curtailed or discontinued when, in the sole judgment of the Superintendent, continued usage of natural gas by interruptible customers will cause excessive usage beyond allocations available to the system from the Natural Gas Supplier. **(Ord. No. 623)**

(E) **Alternate Fuel Usage.** When, in the judgment of the Superintendent, alternate fuels are available to supplement or replace the use of natural gas, the customer so interrupted may elect to use such supplemental fuel and by so doing, shall pay for the total cost of the supplemental fuel, as determined by said total cost of supplemental fuel and the incremental amount of supplemental fuel used by each user of supplemental fuel. **(Ord. No. 623)**

(F) **Shared Benefits by Partial Interruption.** Whenever an interruptible customer is allowed to use natural gas during a period of partial curtailment, the benefits that would normally be deferred in cost to the one user shall be prorated to the amount of total fuel usage by all those affected by an interruption of gas supply. **(Ord. No. 623)**

(G) **Gas Revenue Tax.** See Chapter 36, "Taxaqtion", Article V of this Code.

(H) **Industrial or Special-Use Customers.** The City Council shall have the right to establish special rates for gas service to industrial or special-use customers. **(Ord. No. 623)**

(I)

Transportation of Customer-Owned Gas.

- (1) **Availability.** Transportation under this Rate is available to any applicable large commercial or industrial End-User (hereinafter called "Customer") (1) having a proven natural gas requirement of more than **three thousand (3,000) Mcf** per meter annually; (2) who has executed a written contract for deliveries hereunder at specifically identified points of metering; and (3) who has arranged for the delivery of customer-owned gas to the Mississippi River Transmission Corp., (hereinafter referred to as MRT) system for the purpose of service under said contract. It is understood that the City of Red Bud, Illinois, (hereinafter referred to as "City") must act "on behalf of" the Customer only for Natural Gas Policy Act, Section 311 transportation and only under a valid agency agreement. This Rate is not available to any customer now under special contract with the City or for transportation of intrastate gas. This rate is available only on the basis of separate and distinct meters.
- (2) **Rate.** Rates and charges payable monthly under this Rate shall be as follows:
 - (a) **Transportation Rate--Base Monthly Charge:** **Fifty Dollars (\$50.00)** per meter each month during the term or extension of the contract for each month the Customer is transporting gas.
 - (b) **Interstate Transportation Charges:** All costs of any nature or type for or related to interstate transportation in advance of the City Gate shall be paid by the Customer.
 - (c) **Rate for All Gas Delivered:** Amount per Mcf computed as the net of the total rate chargeable under the applicable customer companion classification rate less the applicable commodity gas charge from the City's natural gas supplier. The "companion classification rate" is that rate stated in **Chapter 38-2-40(A)** of the City Code as amended.
- (3) **Installation Charges.** The Customer shall pay or reimburse the City prior to the initiation of service hereunder for additional recording charts, instruments, meters or other facilities required for the City to (1) take custo-

mer-owned gas into its system; and (2) record daily quantities of gas delivered to the Customer hereunder at each meter so designated. All other costs such as legal, engineering and administrative expenses in connection with delivery to the Customer shall also be paid in advance. Amounts shall be determined by the City, billed to and paid by the Customer prior to making any deliveries.

- (4) **Late Payment Charge.** A charge for late payment shall be determined under the same provisions applicable under City ordinance at the time of occurrence.
- (5) **Reimbursement for Taxes or Surcharges.** In addition to all other charges, the Customer shall reimburse the City for any current or retroactive taxes or surcharges which the City may be required to pay or obliged to collect from the Customer in respect of service hereunder. The City will bill the Customer monthly or retroactively for any such taxes. They shall include but not be limited to the Illinois Gas Revenue Tax and the Gas Research institute (GRI) Surcharge if not otherwise paid by Customer.
- (6) **Order of Deliveries of Gas.** For billing purposes, gas taken by a Customer in any billing period at the point of metering for this Rate shall be deemed to be taken in the following order: (1) the quantity of customer-owned gas delivered to the City's system in the current billing period; (2) any excess or "balance" quantity of customer-owned gas previously delivered to the City's system but not taken by the Customer during the billing period immediately preceding the current billing period; and (3) the quantity of gas delivered under the companion classification. Any excess or balance quantity not taken by the Customer in the first subsequent billing period shall be forfeited to the City without recourse and at no cost to the City. No balance shall be carried for more than **thirty (30) days** following the close of a month.
- (7) **Nature of Deliveries.** Deliveries of gas under this Rate are subject to full interruption. The City shall be the sole judge of the necessity for interruption. The City will endeavor to give Customer advanced notice whenever an interruption is required, and the Customer

shall interrupt his use of customer-owned gas for the time and to the extent requested by the City. The City shall not be liable for any loss or production or for any damages whatsoever by reason of interruption or lack of advance notice. The City will endeavor to deliver gas under the companion rate classification to the extent of entitlement of the Customer. Any penalty assessed by MRT because City exceeded its contract allotment with MRT in order to deliver gas to Customer under the companion rate, will be passed to the Customer.

(8) **Measurement of Gas Delivered by the City.** The gas delivered by the City hereunder shall be measured in accordance with the then current tariff of MRT. It will include Btu values, pressure and temperature compensation, and chart recording of volumes delivered through each Customer meter.

(9) **Contract With Customer.**

(a) The Contract entered into between the City and a Customer hereunder shall continue for a mutually agreed initial term not to exceed **two (2) years** from the effective date thereof, and from year to year thereafter, subject to the right of either party to terminate the same at the end of the initial term or of any such year to year extension thereof by written notice to the other given not less than **thirty (30) days** prior to the date of such intended termination. No third party shall have any rights under this contract.

(b) The contract between the City and the Customer shall provide for the measurement of customer-owned gas delivered to the City only through the Red Bud-MRT City Gate with quality meeting MRT's specifications.

(c) The flow rate(s) of delivery of gas transported for any customer hereunder and the pressure at which such gas is to be delivered shall be agreed upon by the City and the Customer and specified in the contract between them, or if now a Customer, at current service conditions for flow and pressure.

- (d) The contract between the City and the Customer shall specify the maximum daily delivery quantities of customer-owned gas. MRT must provide the daily delivery data to the City for all customer-owned gas delivered to the City's distribution system. Their determination shall be binding upon the Customer.
 - (e) The Customer must provide the City with estimates of monthly volumes to be transported. These estimates must be made available before **September 1** of each year or before deliveries begin.
 - (f) The Customer will furnish the City with copies of all gas supply and transportation contracts of Customer relating to service hereunder, including all amendments thereto in effect from time to time. Prior to the **twenty-first (21st)** of each month, the Customer will notify the City in writing of the volumes of gas to be transported in the subsequent month. This will be converted to or expressed as average daily flow. The Customer must request and receive approval of the City **two (2) working days** in advance of any mid-month changes. They must be confirmed in writing immediately.
- (10) **Terms and Conditions of Service In Addition to Those Imposed by City Ordinance Elsewhere.**
- (a) Service will be provided hereunder whenever and to the extent that customer-owned gas has been delivered for the Customer to the MRT system in accordance with the contract between the Customer and the City hereunder.
 - (b) In the event of an interruption or curtailment of deliveries of customer-owned gas supply to the City, the City will attempt to make up any deficiency in such supply to the extent of Customer entitlement. such make-up service will be made available to the Customer under the companion classification, to the same extent it would be available to the Customer absent service under this Rate excepting in the event of transportation of customer-owned gas being the direct cause of curtailment or reduction in gas entitle-

ments from the City's natural gas supplier. Should historical purchase volumes under the companion classification become the basis for MRT entitlements, then the Customer will be provided such make-up service only to the extent of the volume to which he is entitled. Loss of entitlements shall be the risk of the Customer and penalties, if any, shall be paid by the Customer as stated above.

- (c) The delivery of customer-owned gas by the Customer to the City's distribution system shall be fully at the Customer's expense in accordance with the contract entered into between the City and the Customer hereunder.
- (d) The City will not be obliged to accept delivery of any customer-owned gas if such acceptance is in any way detrimental to or at the subsidy of other customers. Refusal to accept delivery shall be at the sole discretion of the City.
- (e) The summation of the consumptions registered by **two (2)** or more meters at the points of Customer metering under this Rate shall not be permitted except as a matter of convenience to the City as determined solely by the City.
- (f) If the Customer, his agents, sellers, brokers, marketers, shippers, transporters, suppliers or producers shall fail to comply with or perform any of the conditions or obligations on the Customer's part, to be complied with or performed under the contract entered into between him and the City hereunder, and if after such failure the City shall deliver at the Customer's local premises, addressed to him a written notice of its intention to terminate service hereunder on account of such failure, then the City shall have the right to terminate service at the expiration of **ten (10) days** after the giving of said notice unless within such **ten (10) days** the Customer shall fully make good such failure. The termination of service for any such cause shall not release the Customer from the obligation to make payment of any amount or amounts due or to become due in accordance with

terms of his contract with the City hereunder or under other conditions provided by City ordinance.

- (11) **General.** Service is subject to any current or future ordinances, rules or regulations of the City of Red Bud, Illinois pertaining to natural gas service and not in direct conflict with this Rate or the contract between the City and the Customer.

(Ord. No. 682; 06-04-90)

38-2-41 SERVICE CONNECTION FEES.

(A) The service connection fee for gas customers that use **800,000 BTU** or less per hour, shall be as follows if the gas line to be installed is **seventy-five (75) feet** or less:

(1) **Within the City Limits.**

- | | | |
|-----|---|------------|
| (a) | R-275 meter | \$1,100.00 |
| (b) | R-415 meter | \$1,400.00 |
| (c) | R-630 meter | \$1,650.00 |
| (d) | R-800 meter | \$2,200.00 |
| (e) | An additional Seven Hundred Fifty Dollars (\$750.00) shall be added to the above fees if and when a tap is required to be on a steel main. | |

(2) **Outside the City Limits.**

- | | | |
|-----|--|------------|
| (a) | R-275 meter | \$1,100.00 |
| (b) | R-415 meter | \$1,400.00 |
| (c) | R-630 meter | \$1,650.00 |
| (d) | R-750 meter | \$2,200.00 |
| (e) | An additional Seven Hundred Fifty Dollars (\$750.00) shall be added to the above fees if and when a tap is required to be made on a steel main. | |

(Ord. No. 1370; 02-06-17)

If boring of the pipe or non-standard installation methods/materials are requested or required, then the customer shall pay all such additional costs of the City and other contractors required for such installation of the service line in addition to the tap fee.

(Ord. No. 1370; 02-06-17)

(B) There shall be a charge of **Two Dollars Fifty Cents (\$2.50)** for each foot of service line over **seventy-five (75) feet**, such footage to be measured beginning at applicant's property line nearest an existing main and ending at point of entry into applicant's building.

If boring of the pipe or non-standard installation methods/materials are requested or required, then the customer shall pay all such additional costs of the City and other contractors required for such installation of the service line in addition to the tap fee.

(Ord. No. 1354; 03-07-16)

(C) The service connection fee for gas consumers that use over **800,000 BTU** per hour, shall be determined by the Superintendent and billed accordingly, such billing to be based on City's cost. Fees for changes or upgrades to services shall be determined by the Superintendent and billed accordingly, such billing to be based on City's cost.

(D) All connection fees are due and payable when the service is applied for. All connection fees shall expire **one hundred twenty (120) days** from the date of application with such fees refunded to customer upon expiration. Thereafter, the customer must pay for a new connection fee(s) in full. **(Ord. No. 1051; 01-05-04)**

ARTICLE III - WATER SYSTEM REGULATIONS

DIVISION I - GENERALLY

38-3-1 APPLICATION FOR SERVICE CONNECTIONS TO WATERWORKS SYSTEM. An applicant desiring a water service connection with the City Waterworks System shall file a written application per **Appendix "B" to Chapter 38** of this Code at the City Hall, signed by all of the owners of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee prescribed in **Section 38-2-16** to cover the cost of such service connection. As soon as possible thereafter, the Superintendent shall authorize a service connection to be made and a service line laid to the lot line of the applicant's property. **(Ord. No. 1051; 01-05-04)**

38-3-2 ALL SERVICE TO BE BY METER. All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed so 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. Meters outside of a building shall be set in a suitable meter box approved by the Superintendent. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner or the applicant have been fully complied with.

38-3-3 METER DAMAGED. Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus, or for any other cause within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repairing and replacing of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

38-3-4 DANGEROUS USAGE. 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 other customers' plumbing shall be immediately repaired or removed upon notice from the City, or at its option, the City may immediately discontinue the service without notice and without any liability for direct or resulting damages therefrom.

38-3-5 **ELECTRIC GROUND WIRES.** 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. The City will 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. All owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected after **five (5) days'** written notice, the City, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

38-3-6 **SHORTAGE AND PURITY OF SUPPLY.** 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 supply 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.

38-3-7 **LAWN WATERING.** The right is reserved to suspend the use of lawn fountains and hoses for sprinkling lawns and gardens whenever, in the opinion of the City Council, public exigencies require it.

38-3-8 **NON-COMPLIANCE WITH RULES.** If any consumer fails to comply fully 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 cases of non-payment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rules until **five (5) days** after notice has been given and violation has not been remedied.

38-3-9 - 38-3-10 **RESERVED.**

DIVISION II - CROSS-CONNECTION ADMINISTRATION

38-3-11 APPROVED BACKFLOW DEVICE. All plumbing installed within the City shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice 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 Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

38-3-12 CROSS-CONNECTION PROHIBITED; EXCEPTION. No person 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 enters the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

38-3-13 INVESTIGATIONS BY SUPERINTENDENT. It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years.**

38-3-14 RIGHT TO ENTER PREMISES. The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of

verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Superintendent any information which he may request 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 Superintendent, be evidence of the presence of improper connections as provided in this Chapter.

38-3-15 NOTICE TO CUSTOMER; RECONNECT FEE.

(A) The Superintendent is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **One Hundred Dollars (\$100.00)** is paid to the City Clerk.

(B) Immediate disconnection with verbal notice can be effected when the Superintendent 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 Superintendent or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply.

(C) Neither the City of Red Bud, the Superintendent or the agents or assigns shall not be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

38-3-16 CONTAMINATIONS COST AND THE CONSUMER. 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, shall bear the cost of clean-up of the potable water supply system. **(Ord. No. 721; 12-9-91)**

38-3-17 - 38-3-30 RESERVED.

DIVISION III - CROSS-CONNECTION CONTROL CODE

38-3-31 **PURPOSE.** The purpose of these Rules and Regulations 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 non-potable 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.

38-3-32 **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

38-3-33 **RESPONSIBILITY OF OWNER.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgement of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent 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 **Section 38-3-37 (D)** below for a period of at least five years. The Superintendent 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 certified by the Illinois Environmental Protection Agency.

38-3-34 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of these regulations:

"Fixed Proper Air Gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

"Agency" means Illinois Environmental Protection Agency.

"Approved" means 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" means 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" means 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" means 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" means 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" means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

"Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

"Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

"Direct Cross-Connection" means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

"Indirect Cross-Connection" means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

"Double Check Valve Assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the water-tightness of each check valve.

"Health Hazard" means 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.

"Inspection" means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admn. Code 890.

"Non-potable Water" means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

"Plumbing" means 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 (5) feet** beyond the foundation walls.

"Pollution" means 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" means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

"Potential Cross-Connection" means 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)" means any fluid or solution which may be chemically, or 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:

- (1) polluted or contaminated waters;
- (2) process waters;
- (3) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (4) cooling waters;
- (5) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (6) chemicals in solution or suspension;
- (7) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

"Public Water Supply" means 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 "non-community water supply".

"Reduced Pressure Principle Backflow Prevention Device" means 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" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Survey" means 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" means 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" means 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.

"Water Purveyor" means the owner or official custodian of a public water system.

38-3-35 WATER SYSTEM.

(A) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(B) The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water 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 supply 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.

(F) The owner of each and every house, building or properties used for human occupancy, employment, recreation or other purpose located within the City is hereby required, at owner's expense, to connect each property or improvement to the public water supply system in accordance with City ordinance. **(Ord. No. 1051; 01-05-04)**

38-3-36 CROSS-CONNECTION PROHIBITED.

(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 insure 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.

38-3-37 SURVEY AND INVESTIGATIONS.

(A) The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(B) On request of the Superintendent, 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 Superintendent of Water for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

(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 **III. Rev. Stat., 1991, Ch. 111, par. 1103(I).**

(D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

- (1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
- (2) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.

- (3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
- (4) **Testing and Records.**
- (a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
- (b) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with **Ill. Rev. Stat., Ch. 111 1/2, par. 1004(e)**.
- (c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
- (d) A maintenance log shall be maintained and include:
1. date of each test;
 2. name and approval number of person performing the test;
 3. test results;
 4. repairs or servicing required;
 5. repairs and date completed; and
 6. servicing performed and date completed.

38-3-38 WHERE PROTECTION IS REQUIRED.

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 111. Adm. 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 judgement of the Superintendent, 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 Superintendent of Water 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 Superintendent of Water.
- (3) Premises having internal cross-connections that, in the judgement of the Superintendent of Water and/or the Cross-Connection Control Device Inspector, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
- (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
- (5) Premises having a repeated history or cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 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 Superintendent of Water determines that no actual or potential hazard to the public water supply system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes.
- (2) Laboratories.
- (3) Piers, docks, waterfront facilities.
- (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
- (5) Food or beverages processing plants.
- (6) Chemical plants.
- (7) Metal plating industries.
- (8) Petroleum processing or storage plants.
- (9) Radioactive material processing plants or nuclear reactors.
- (10) Car washes.
- (11) Pesticide, or herbicide or extermination plants and trucks.
- (12) Farm service and fertilizer plants and trucks.

38-3-39 **TYPE OF PROTECTION REQUIRED.**

(A) The type of protection required under **Section 38-3-38** of these regulations 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.

(B) The type of protection required under **Section 38-3-38** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention connected to the public water supply when:

(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; or
- (3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
- (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.

38-3-40 BACKFLOW PREVENTION DEVICES.

(A) 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 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. Manufacturer's maintenance manual shall be available on-site.

38-3-41 INSPECTION AND MAINTENANCE.

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

- (1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within **twenty-four (24) hours**.
- (2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within **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 person performing the test or visual inspection;
- (3) test results;
- (4) repairs or servicing required;
- (5) repairs and date completed; and
- (6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-41(A)**.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent of Water.

38-3-42 BOOSTER PUMPS.

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(B) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent of Water, at least once a year, that the device is operable.

38-3-43 VIOLATIONS AND PENALTIES.

(A) The City Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Superintendent, 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 cut-off required by these regulations is not installed and maintained in working order. **(Ord. No. 1051; 01-05-04)**

(B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent, 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 these regulations and to the satisfaction of the Superintendent.

(D) Neither the City, the Superintendent, or its 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 Code, whether or not said termination of the water supply has with or without notice.

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

(F) Any person found to be violating any provision of this Code 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 violation.

(G) Any person violating any of the provisions of this Code in addition to the fine provided in Chapter 1, Article 1 of the City 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.

(Ord. No. 721; 12-9-91)

ARTICLE IV - SEWER REGULATIONS

38-4-1 **DEFINITIONS.** Unless the context specifically indicates otherwise, the meanings of terms used in this Article shall be as follows:

"BASIC USER CHARGE" shall mean the basic assessment levied on all users of the public sewer system.

"BOD" (Denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in **five (5) days at twenty degrees Celsius (20° C.)**, expressed in milligrams per liter.

"BUILDING DRAIN" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning **five (5) feet** outside the inner face of the building wall.

"BUILDING SEWER" shall mean the extension from the building drain to the public sewer or other place of disposal.

"CAPITAL IMPROVEMENT CHARGE" shall mean a charge levied on users to improve, extend or reconstruct the sewage treatment works.

"COMMERCIAL USER" shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise or rendering service.

"DEBT SERVICE CHARGE" shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

"FLOATABLE OIL" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

"GARBAGE" shall mean the solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

"INDUSTRIAL USERS" shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation or materials or substance into products.

"INDUSTRIAL WASTES" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

"INSTITUTIONAL/GOVERNMENTAL USER" shall include schools, churches, penal institutions, and users associated with Federal, State and local governments.

"LOCAL CAPITAL COST CHARGE" shall mean charges for costs other than the Operation, Maintenance and Replacement costs, i.e. debt service and capital improvement costs.

"MANHOLE" shall mean a structure located on which industrial wastes are discharged. Where a site from feasible, the

manhole shall have an interior drop. The purpose of a "manhole" is to provide for the City representative to sample and/or measure discharges.

"MILLIGRAMS PER LITER" shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

"NATURAL OUTLET" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"NPDES PERMIT" shall mean any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

"PERSON" shall mean any individual, firm, company, association, society, corporation, or group.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"PPM" shall mean parts per million by weight.

"PROPERLY SHREDDED GARBAGE" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than **one-half (1/2) inch** in any dimension.

"PUBLIC SEWER" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

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

"RESIDENTIAL USER" shall mean all dwelling units such as houses, mobile homes, apartments, permanent multi-family dwellings.

"SANITARY SEWER" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

"SEWAGE" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

"SEWAGE FUND" shall mean the principal accounting designation for all revenues received in the operation of the sewage system.

"SEWAGE SERVICE CHARGE" shall be the charge per month levied on all users of the sewage facilities. The service charge shall be computed as outlined in **Chapter 38-2-20** and shall consist of the total or the Basic User Charge, the Local Capital Cost and a Surcharge, if applicable.

"SEWAGE TREATMENT PLANT" shall mean any arrangement of devices and structures used for treating sewage.

"SEWAGE WORKS" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

"SEWER" shall mean a pipe or conduit for carrying sewage.

"SEWER RATE" shall mean "Sewage Service Charge".

"SHALL" is mandatory; "MAY" is permissive.

"SLUG" shall mean any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than **fifteen (15) minutes** more than **five (5) times** the average **twenty-four (24) hour** concentration of flows during normal operations.

"STORM DRAIN" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"SUPERINTENDENT" shall mean the City Superintendent which position is described in **Section 1-2-109** and **1-2-110** of the City Code. **(Ord. No. 1051; 01-05-04)**

"SURCHARGE" shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in **Chapter 38-2-21**.

"SUSPENDED SOLIDS" shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

"SWIMMING POOL" shall mean a tank capable of holding **one hundred (100) gallons** or more of water and placed either above or below ground, made of concrete, metal, plastic or some similar material or materials, the primary use of such tank being for swimming, floating, wading, diving and/or sunbathing.

"USEFUL LIFE" shall mean the estimated period during which the collection system and/or treatment works will be operated.

"USER CLASS" shall mean the type of user "residential, institutional/governmental, commercial", or "industrial" as defined herein.

"USER CHARGE" shall mean a charge levied on users of treatment works for the cost of operation, maintenance and replacement.

"WATERCOURSE" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
(Ord. No. 665; 07-10-89)

38-4-2 USE OF PUBLIC SEWERS REQUIRED.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suit-

able treatment has been provided in accordance with subsequent provisions of this Article.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within **ninety (90) days** after date of official notice to do so, provided that the public sewer is within **one hundred (100) feet** of the property line.
(#316)

38-4-3 INTERFERENCE WITH BOARD OF HEALTH REQUIREMENTS.

No statement contained in this Article shall be construed to interfere with any additional requirement that may be imposed by the Board of Health.

38-4-4 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions of **Section 38-4-2(D)**, or in the event **Section 38-4-5** is applicable, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article. **(Ord. No. 665; 07-10-89)**

(B) Before commencement of construction of a private sewage disposal system, the owner shall first apply for and obtain a written permit signed by the Superintendent per **Appendix "C"** of this **Chapter 38**. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of **Fifty Dollars (\$50.00)** shall be paid to the City at the time the application is filed. **(Ord. No. 1051; 01-05-04)**

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within **twenty-four (24) hours** of the receipt of notice by the Superintendent.

(D) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the **Illinois Water Pollution Board**. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than **ten thousand (10,000) square feet**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided for above, a direct connection shall be made to the public sewer in compliance with this Article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(F) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

(G) No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the City Council.

(H) When a public sewer becomes available, the building sewer shall be connected to the sewer within **one hundred twenty (120) days** and the private sewage disposal system shall be cleaned of sludge and filled with clean, bank-run gravel or dirt. **(#316)**

38-4-5 BUILDING SEWERS AND CONNECTIONS - PERMITS REQUIRED. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first filing an application per **Appendix "D" of Chapter 38.**

Notwithstanding anything to the contrary herein, a building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewage facilities, including sewers, pump stations and sewage treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load. **(Ord. No. 1051; 01-05-04)**

38-4-6 CLASSES OF PERMITS. There shall be **two (2) classes** of building sewer permits:

(A) For residential and commercial service, and

(B) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the City when and per rates established by ordinance in effect at the time application is made. **(#316)**

38-4-7 COSTS OF BUILDING SEWER TO BE BORNE BY OWNER. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. **(#316)**

38-4-8 SEPARATE SEWER FOR EACH BUILDING. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (**#316**)

38-4-9 OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the Superintendent, to meet all requirements of this Article. (**#316**)

38-4-10 SEWERS TO CONFORM TO REQUIREMENTS OF APPLICABLE CODES.

(A) Wherever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(B) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

(C) The connection of the building sewer into the public sewer shall conform to the requirements of the "**Standard Specification for Water and Sewer Main Construction in Illinois**" as amended from time to time. Inside the building, the sewer and plumbing shall comply with "**The State of Illinois Department of Public Health Illinois Plumbing Code**" as amended from time to time.

(D) All private sewer laterals shall be Schedule 40 PVC pipe with solvent weld fittings.

(E) Sewer laterals shall be backfilled to the top of the pipe with aggregate **seven-eighths (7/8) inch** or less in size. (**Ord. No. 1051; 01-05-04**)

38-4-11 SUPERINTENDENT TO SUPERVISE CONSTRUCTION.

(A) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

(B) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and

other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (**#316**)

38-4-12 SANITARY AND STORM SEWERS.

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet. (**#316**)

38-4-13 MATERIALS PROHIBITED FROM PUBLIC SEWERS. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of **two (2) mg/l as CN** in the wastes as discharge to the City sewer and mercury or any of its compound in excess of 0.0005 mg/l as Hg at any time except as permitted by the City's Utility Superintendent in compliance with applicable state and federal regulations. (**Ord. No. 665; 07-10-89**)

(C) A pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the Wastewater Treatment Facilities.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the Wastewater Treatment Facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. Any user who empties or causes to be emptied into the sewer system any sewage that cannot be readily or freely filtered through the sewage treatment plant may, at the option of the Superintendent, be disconnected from the sewer system.

(E) Having the following shall be subject to the review of the Superintendent or his authorized representative.

(1) a **five (5) day** biochemical oxygen demand greater than **204** parts per million by weight;

- (2) containing more than **240** parts per million by weight of suspended solids; or
- (3) having an average daily flow greater than **five percent (5%)** of the average daily wastewater flow of the City.

Only compatible pollutants may be discharged to the sanitary sewer system.

(F) Where necessary, in the opinion of the Superintendent, the user shall provide, at his expense, such preliminary treatment as may be necessary to:

- (1) reduce the biochemical oxygen demand to **204** parts per million by weight; or
- (2) reduce the suspended solids to **240** parts per million by weight; or
- (3) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent or authorized representative, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

38-4-14 SUBSTANCES UNDER DISCRETION OF SUPERINTENDENT.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Superintendent, that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than **one hundred fifty degrees Fahrenheit (150° F.)**.

(B) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of **one hundred (100) mg/l**, or containing substances which may solidify or become viscous at temperatures between **thirty-two and one hundred fifty degrees Fahrenheit (32° F. and 150° F.)**.

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of **three-fourths (3/4)** horsepower or greater shall be subject to the review and approval of the Superintendent.

(D) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

(F) Any waters or wastes containing phenols or other taste-or-odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

(H) Any waters or wastes having a pH in excess of (9.5)

(I) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(J) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (**#316**)

38-4-15 REMEDIES FOR CONTROLLED DISCHARGES. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(A) Reject the wastes;

(B) Require pretreatment to an acceptable condition for discharge to the public sewers;

(C) Require control over the quantities and rates of discharge; and/or

(D) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of **Section 38-4-22** of this Article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws. **(#316)**

38-4-16 GREASE, OIL, MUD, ETC. - INTERCEPTORS REQUIRED.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent or authorized representative, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in **Section 38-4-14**, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.

All interceptors shall be of the type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance of these interceptors, the user(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent or authorized representative. Any removal and hauling of the collected materials not performed by the user's personnel must be performed by currently licensed waste disposal firms.

38-4-17 OWNER TO MAINTAIN FACILITIES. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. **(#316)**

38-4-18 MANHOLES INSTALLED WHERE REQUIRED. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. **(#316)**

38-4-19 SWIMMING POOL CONNECTIONS. The owner of any swimming pool which is located within the City shall discharge the water from the swimming pool into the City's sanitary sewage system. Each pool owner shall, at his expense, install suitable sewage facilities and connect said facilities directly to the proper public sanitary sewer in accordance with the provisions of this Chapter. (**#316**)

38-4-20 INDUSTRIAL SAMPLING. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Code and any special conditions for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City, but not less than once per year, the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and Local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such a manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an outside laboratory service.

38-4-21 TESTS CONDUCTED IN ACCORDANCE WITH ACCEPTED SPECIFICATIONS. All measurements, tests, and analyses of the characteristics of waters and wastes, to which reference is made in this Article, shall be determined in accordance with the latest edition of "**Standard Methods for the Examination of Water and Wastewater**", published by the **American Public Health Association**, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

(The particular analysis involved will determine whether a **twenty-four (24) hour** composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls whereas pH's are determined from periodic grab samples.) (**#316**)

38-4-22 SPECIAL AGREEMENTS PERMITTED. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern. **(#316)**

38-4-23 PROTECTION FROM DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. **(#316)**

38-4-24 POWER AND AUTHORITY OF INSPECTORS.

(A) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Article. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage assessed against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in **Section 38-4-18.**

(C) The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. **(#316)**

38-4-25 EXTENSIONS AND SEWER CONNECTIONS TO EXTENSIONS.

(A) Applicants who are owners of the premises not abutting on the sewer mains or laterals of the City who desire sewer service from the City shall install, at their expense, sewer main or lateral extensions so as to provide sewer facilities for their premises. No person shall make any extension to a sanitary sewer main or lateral of the City except as provided in this Section.

(B) All extensions to the sewer mains or laterals of the City shall be made only after written application filed with the City Council, approval as to size, grade and materials by the City, and issuance by the City of a permit authorizing the same to be constructed and attached to the existing sewer mains or laterals of the City, and thereupon, said extensions shall become a part thereof.

(C) After completion and acceptance of a sewer main or lateral extension, title to them shall be transferred and conveyed to the City by the owner(s) free and clear of any and all liens and encumbrances, without cost to the City, and thereafter, the City shall assume all costs of maintenance and repair of such extension.

(D) Applicants making sewer connections to sewer main extensions or lateral extensions under the provisions of this Section shall pay all costs of labor and materials for installing the same.

(E) Each sewer connection originating from an extension shall impose liability for a periodic sewer charge to be billed the owner with the next regular billing after such sewer service is rendered to the premises.

(F) **Liability Insurance.** No permit for a sewer connection or a sewer extension shall be issued by the City Council or its authorized representative unless the person applying therefor or the contractor shall have first procured Public Liability Insurance in an amount not less than **Five Thousand Dollars (\$5,000.00)** for injuries, including accidental death, to any **one (1) person** and subject to the same limit for each person in an amount not less than **One Hundred Thousand Dollars (\$100,000.00)** on account of **one (1) accident**, and Property Damage Insurance in an amount not less than **Fifty Thousand Dollars (\$50,000.00)**. The persons to be indemnified and saved harmless in said insurance policy shall be the City and the applicant for sewer connection or sewer extension. A certificate of said insurance shall be filed with the City Collector.

38-4-26 **CONFINED SPACE ENTRY POLICY.** A confined space entry policy and procedure in the form attached hereto as **Exhibit "H"** and by reference made a part hereof is hereby adopted for the City as part of Chapter 38 of the "Revised Code". (**Ord. No. 735; 8-3-92**)

EXHIBIT "H"

ENTRY INTO CONFINED SPACES

(A) **Purpose Of.** Among the more dangerous workplace tasks is entering into confined space to perform work. Every year confined spaces are death traps for a number of workers who do not follow basic safety precautions before entering these hazardous work areas. Often, this results from improper or inadequate instructions and/or poor supervision.

A "confined space" may be generally defined as any area which has limited means of egress and is subject to an oxygen deficient atmosphere or the accumulation of toxic, explosive or flammable atmosphere. Examples of such areas include sewers, sewage digesters, lift stations, holding tanks and pipelines.

(B) **Hazards.** The potential killers are oxygen deficiency, explosive, flammable and toxic gases and vapors.

Another condition frequently encountered in confined spaces is high temperature. Heat stroke can be fatal. Heat cramps or heat exhaustion causing only temporary discomfort can result from physical exertion in a hot atmosphere.

One other condition that is not usually considered is moisture or condensation. This can create slipping hazards.

Many conditions which may contribute to accidents in other areas may be more dangerous when they occur in a confined space.

(C) **Oxygen Deficiency.** A normal atmosphere contains approximately **twenty-one percent (21%)** oxygen. Any atmosphere containing less than **twenty-one percent (21%)** oxygen is considered to be deficient and less than **nineteen and one-half percent (19.5%)**, dangerous. Air containing **sixteen percent (16%)** or less oxygen can be lethal.

In a confined space, oxygen-deficient atmospheres are produced by two factors:

- (1) The consumption, without replacement, of oxygen by some means such as a reaction of oxygen with container walls as in rusting, or by flames and internal combustion engines.
- (2) The displacement of oxygen by another gas such as methane, hydrogen sulfide or carbon dioxide. As a replacement for oxygen these gases are strictly a killer.

(D) **Accumulation of Toxic or Combustible Gas.** As indicated, in a confined space oxygen may be displaced by another gas. This gas may be toxic, explosive or flammable. A number of gases commonly encountered in confined spaces include:

- (1) Carbon monoxide (CO), a toxic and sometimes explosive gas that is often called the "silent killer" because it is colorless, odorless, and non-irritating. CO is produced by internal combustion engines as well as various other processes.
- (2) Hydrogen sulfide has the distinctive odor of rotten eggs and is extremely dangerous. Hydrogen sulfide gas very quickly paralyzes the sense of smell so odor alone does not always give an adequate warning. A concentration as low as **one-half percent (.5%)** will cause immediate death. In addition to being poisonous, this gas is explosive. It is found in many sewage system confined spaces.
- (3) Methane, or natural gas, is a product of decaying organic material and is also without odor, color or taste. While it is dangerous because it can displace oxygen, it is also a hazard because of its extremely explosive properties. It is found in a variety of municipal confined spaces.

The above gases are by no means the only potential killers but are the ones often involved in deaths of municipal workers in confined spaces.

(E) **Safety Precautions.** What should be done to avoid death or serious injury in confined spaces? The following is an outline of generally accepted procedures.

- (1) Do not enter any confined space without knowing what is in it, what was in it and what precautions should be taken.
- (2) Test the atmosphere with gas detection equipment to determine if there are any toxic, explosive or flammable gases and sufficient oxygen to support life. Do not enter the confined space to make these tests. Lower the unit in with a rope.
- (3) If possible, purge the involved space with steam, water, compressed or fresh air, using exhaust or blowing devices (Explosion-proof devices are needed for purging areas with flammable vapor) Retest the atmosphere after purging.

- (4) Close and blank out any supply lines, chutes, pipes and so forth to the confined space in which work is being done. Continue to monitor the atmosphere in a confined space frequently, even if it was "safe" when work began.
- (5) Anyone entering a hazardous atmosphere must be backed up by another worker similarly equipped to assist him in any emergency. A third person should be within sight and hearing of this work and be informed that men are going into the confined space.

(F) **Testing and Monitoring.** Entry into a confined space should be prohibited until testing of the atmosphere has been done from the outside prior to each entry or reentry. Appropriate tests should be made to ensure that the atmosphere is safe. The tests performed should include those for oxygen content, flammability, and toxic materials. The gas detector should be calibrated in accordance with the manufacturer's guidelines or manuals. Each calibration should be recorded and available for **one (1) year** after the last calibration date.

Entry into a confined space for any type of "hot work" should be prohibited when tests indicate the concentration of flammable gases in the atmosphere in greater than **ten percent (10%)** of the lower flammability limit (LFL).

The maximum **eight (8) hour** time weighted average of any airborne contaminant to which an employee may be exposed should at no time exceed the permissible exposure limits for the contaminant as listed in OSHA Standard 19 CFR Part 1910 Subpart Z. When the contaminants in the atmosphere cannot be kept within permissible exposure levels then the employee should wear approved respiratory protection.

(G) **Labeling and Posting.** Signs should include but not necessarily be limited to the following information:

DANGER

CONFINED SPACE

When a specific work practice is performed or specific safety equipment is necessary, the following statements that apply should be added, in large letters, to the warning sign:

**RESPIRATOR REQUIRED FOR ENTRY
LIFELINE REQUIRED FOR ENTRY
HOT WORK PERMITTED
NO HOT WORK**

(H) **Rescue Procedures.** Rescue procedures are as follows for each participant: worker, standby person, rescue team.

- (1) **Worker.** A harness and lifeline should be worn by the worker where practical. Where lifelines cannot be used, atmospheric monitoring should be continuous and equipped with automatic warning alarms.
- (2) **Standby Person.** There should be a trained standby person assigned to monitor the worker in the confined space. Duties of the standby person should include communications with all workers within the confined space and, if necessary, with the emergency rescue team. Under no circumstances should the standby person enter the confined space unless adequate additional assistance is present. Over **sixty percent (60%)** of confined space deaths involve would-be rescuers.
- (3) **Rescue Team.** A fully charged positive pressure self-contained breathing apparatus (SCBA) should be immediately available at the entry point and rescue teams should be equipped with all applicable safety equipment, including lifelines where practical.

(I) **Training.** Management is responsible for training personnel and for the safety of the entire operation. Personnel who work in the vicinity of confined spaces should be made aware of the hazards associated with confined spaces. Personnel who are required to work in a confined space or in support of those working in a confined space should have additional training in the following areas:

- (1) Rescue techniques and equipment.
- (2) Use of applicable respirators. (Management should ensure that the requirements of 29 CFR Part 1910.134 concerning respiratory protection are met).
- (3) Lockout procedures.
- (4) Safety equipment use; e.g. lifelines.
- (5) Rescue and training drills designed to maintain proficiency should be given initially to new employees and thereafter at least annually or at lesser intervals as determined necessary by the judgement of management.
- (6) Persons conducting atmospheric tests and monitoring should be trained in the use of test equipment.

Training should not be considered as complete until the Risk Management Coordinator, supervisor or other management designated official judges that the employee has attained an acceptable degree of proficiency for entering and working in confined spaces. The employees judgement of the adequacy of his training should be properly considered.

For additional information contact the National Institute of Occupational Safety and Health (NIOSH) at (513) 533-8236.

PARAMETERS

Class A

Characteristics: Immediately dangerous to life. Rescue procedures require the entry of more than one individual fully equipped with life support equipment. Maintenance of communication requires an additional standby person stationed within the confined space.

Oxygen: 16% or less, or 25% or greater.

Flammability: 20% or greater LFL (Lower Flammable Limit).

Toxicity: Immediately dangerous to life or health, or IDLH.

Class B

Characteristics: Dangerous but not immediately life threatening. Rescue procedures require the entry of no more than one individual fully equipped with life support equipment. Indirect visual or auditory communication.

Oxygen: 16.1% to 19.4%, or 21.5% to 25%.

Flammability: 10-19% of LFL.

Toxicity: Greater than contamination level referenced in 29 CFR 1910 Subpart Z, but less than IDLH.

Class C

Characteristics: Potential hazard. Required no modifications of work procedures. Standard rescue procedures. Direct communication with workers from outside the confined space.

Oxygen: 19.5% or 21.4%.

Flammability: 10% of LFL or less.

Toxicity: Less than contamination level referenced in 29 CFR 1910 Subpart Z.

SPECIFIC CONFINED SPACE ENTRY PROCEDURES

1. If manhole is on the street, erect traffic safety equipment.
 2. If space contains electrical equipment, shut off and lock out all equipment.
 3. Test confined space for O₂ deficiency, combustible and toxic elements. If atmosphere is normal, proceed with items 4, 5, 6. If gases or O₂ deficiency is found, perform 4, 7, 8.
-
4. If sediments or organic decomposing materials exist in the confined space, hose or flush out.
 5. If atmosphere tests to be normal, entry can be made if individual wears safety harness and rope attended by two (2) individuals outside the confined space with self-contained breathing apparatus readily available.
 6. Individuals outside confined space continuously monitor atmosphere and provide ventilation.
-
7. If O₂ deficiency or gases are found, ventilate atmosphere with pur air supply until atmosphere checks to be normal, or (15 to 20 minutes).
 8. Individual can then enter confined space wearing safety harness, with ventilation continuing and if attended by two (2) individuals outside space, with self-contained breathing apparatus readily available, continuously monitoring the confined space atmosphere.
-
9. If confined space contains combustible or toxic gases and/or is O₂ deficient and ventilation is not possible, **THE SPACE SHOULD NOT BE ENTERED**, except under dire emergency (to save life). Then enter only if using a self-contained breathing apparatus and exercising extreme caution to avoid ignition of flammable gases.

CONFINED SPACE ENTRY RECORD CARD

JOB DESCRIPTION: _____

LOCATION: _____ DATE: _____

EMPLOYEES ASSIGNED: _____

HAVE THE FOLLOWING PRECAUTIONS BEEN TAKEN?

- | | | |
|------------------------------|-----------------------------|---|
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Has necessary traffic safety equipment been set up? |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Has all electrical equipment been locked out? |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Was area cleaned of sediment or deposition? |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Was purging or ventilation required or used? |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Were lifelines and harness worn by those entering? |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | Was rescue equipment tested and operable? |

SAMPLING EQUIPMENT USED:

TYPE	SERIAL #	DATE CALIBRATED	BY WHOM
_____	_____	_____	_____
_____	_____	_____	_____

TESTS CONDUCTED	TIME	RESULTS	TIME	RESULTS
O ₂ Deficiency	_____	_____	_____	_____
Combustibility	_____	_____	_____	_____
Toxicity	_____	_____	_____	_____

LIST SAFETY EQUIPMENT USED:

Foreman

Superintendent

38-4-27 USE OF GROUNDWATER AS A POTABLE WATER SUPPLY
PROHIBITED.

(A) **Prohibition.** Except for such uses or methods in existence before the effective date of this Section, the use or attempt to use as a potable water supply groundwater from sites within the corporate limits of the City of Red Bud shown on Exhibit "A" and described in Exhibit "B" attached hereto and made a part hereof, (hereinafter referred to as the "Groundwater Limitation Area"), as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the City of Red Bud.

(B) **Penalties.** Any person violating the provisions of this Section shall be subject to a fine up to **Seven Hundred Fifty Dollars (\$750.00)** for each violation.

(C) **Definitions.**

- (1) **"Person"** is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.
- (2) **"Potable water"** is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

(Ord. No. 1449; 11-02-20)

ARTICLE V - ELECTRIC SYSTEM REGULATIONS

DIVISION I - GENERALLY

38-5-1 **PURPOSE.** These rules and regulations are designed to govern the supply of electricity from the City of Red Bud Electric Department (City) to the Customer to insure satisfactory, safe and uniform operations. They set forth the terms and conditions for establishing, maintaining, and discontinuance of electric service. They specify the terms of all agreements for service except that the City reserves the right to enter into special contracts.

38-5-2 **ELECTRIC SERVICE AND CODES.**
(A) **Service Rejected or Terminated.**

(1) The City Superintendent shall have the right to reject any application for service or to terminate service to any customer whose premises, in the judgment of the City Superintendent, is dangerous to persons or are otherwise unsafe in the vicinity of the City's meter and other facilities.

(2) **Adoption of National Codes.** Failure to reject an application for the service or the commencement of service by the City Superintendent shall not constitute an omission, acknowledgement or agreement, either expressed or implied, as to the adequacy, safety or other characteristics of any installation on the customer's premises not owned or maintained by the City.

(B) **Adoption of National Codes.** The City adopts the requirements of the most recent additions of the National Electrical Code (NEC NFPA 70) and the National Electric Safety Code (NEC ANSI C2) and requires all applicants and contractors to conform to these National Codes.

38-5-3 **REQUIREMENTS OF APPLICANT.**

(A) **Grant Easement.** When applying for or taking a new electric service from the City, the City shall require the property owner to grant to the City the right to enter upon the premises to be served and to install or remove, repair or maintain thereon, its lines, meters and other facilities, for the purpose of serving the owner's premises. Each Customer shall afford the City's representatives free access to the Customer's premises at all reasonable hours for the purpose of reading the meter, inspecting the metering and other equipment relating to the City's service, repairing, testing or removing its meter and equipment, and at any time in case of an emergency.

(B) **Pay Damage.** The Customer shall exercise due care to avoid damage to or dangerous or unsafe conditions adjacent to the City's meter and the other service facilities of the City located on or near the Customer's premises. If the Customer's operations or the manner in which the Customer uses the City's service cause damage to the City's facilities, the

Customer shall pay the amount of such damage to the City on demand. If meters or other facilities belonging to the City are damaged or destroyed due to negligence or misuse by the Customer or any member of his family, or by an officer, agent or employee of the Customer, or by sub-tenants, the cost of necessary repairs or replacements shall be paid by the Customer.

(C) **Ground Wires – Detach.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping. The City will 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. All owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected after **five (5) days** written notice, the City, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

(D) **Private Generation.** Except during times when electricity supply from the City is unavailable or is temporarily interrupted other than by reason of discontinuance of service to the particular premises for non-payment of billings or otherwise pursuant to this **Chapter 38**, it shall be unlawful for any person, firm, establishment or entity to supply or provide electricity in or for any premises by means of any generator or other electricity-production system, equipment or facility unless it has complied with **Article V, Division II** of the City's Electric Code. This prohibition shall not apply to the use and operations of passive solar electricity generation systems which are otherwise installed and operated in accordance with all applicable laws and ordinances.

(E) **City's Approval Required.** Whenever these Rules and Regulations require the approval or permission of the City, it is the responsibility of the Customer to secure such approval or permission in writing from the City Superintendent before proceeding to make a connection, use equipment or receive service.

38-5-4 APPLICATION FOR ELECTRIC SERVICE.

(A) Applicant requesting new electric service or an existing customer requesting additional or changed electric service shall complete and file at the City Hall an "Application for Electric Service", a copy of which is attached as **Appendix "E"**. The application may be obtained at the City Hall. **(Ord. No. 1051; 01-05-04)**

(B) If the Applicant is a tenant of the premises to be served, the property owner, or his legal representative or designated agent, must countersign the application before the application will be granted for all new installations for purposes of granting City an easement within which to lay the electric line on and over the owner's property.

(C) Applications will expire in **one hundred twenty (120) days** after the date of application. If application expires the fee is refundable. If service is still desired a new application must be filed and paid for in full. **(Ord. No. 1051; 01-05-04)**

38-5-5 ELECTRIC SERVICES; EASEMENTS REQUIRED. Where service lines are laid on private property, an easement shall be granted by the owner thereof providing for the installation and maintenance of the proposed service lines to be installed and maintained by the City and for the extension along or across such property for making other service

connections from the same service line. This easement is granted by the owner upon the owner's execution of the "Application for Electric Service" with the location of the easement shown by drawing on the reverse side of the Application.

38-5-6 **CONNECTIONS TO BE MADE BY CITY.** Upon the filing of an application with the intent to immediately use electric, if the same is in proper form and the service connection fee is paid as provided in **Section 38-2-31**, an order for the installation of service line, meter and service connections will be issued by the City Superintendent to make such installation and connection without unnecessary delay and to return such order immediately upon completion of the work with an endorsement thereon signed by such employee making such installation, showing the date, place and manner in which such service connection was made and in itemized statement of the cost thereof. All applications and orders issued and returned shall be appropriately numbered and kept on file in the office of the City Administrative Assistant as a permanent record. The service line shall not be installed more than **sixty (60) days** prior to its use for service. Services that have been inactive or abandoned over **two (2) years** may be disconnected and removed by the City at the discretion of the City Superintendent. If service is disconnected or removed it will terminate the electric service.

38-5-7 **INSPECTION.** The application for new service shall contain a description of the premises to be served. The City Superintendent or his representative shall have the option of making an inspection of electric wiring on the premises before electrical energy is supplied to determine the adequacy and condition of the wiring. By inspecting a premises and approving it for electric service, the City takes no responsibility in guaranteeing the safety or adequacy of the wiring.

38-5-8 **REFUSAL OF SERVICE.** The City Superintendent reserves the right to refuse or reject any application for service in any of the following situations:

- (A) Where the Applicant does not pay the necessary application fee required under the provisions of this Code;
- (B) Where service to the Applicant would create unsafe condition(s) to the City's employees or equipment, other customer(s), or to the public;
- (C) Where service would contravene law including orders or regulations of lawfully constituted public agencies;
- (D) Where it is apparent at the time of application that service would be used in an illegal manner or for furtherance of an illegal purpose; or
- (E) Where the Applicant owes the City for service furnished to the Applicant at the same or another address.

38-5-9 **USE OF SERVICE.** The following rules of service shall apply:

(A) The City Superintendent may deny service to a Customer, when in his opinion, the wiring and equipment is unsafe or has objectionable characteristics. However, the City will cooperate with the Customer in order to determine the necessary remedial action for such characteristics.

(B) All of Customer's lighting equipment, motor drive equipment, apparatus, and appliances shall be equipped with corrective devices so as to enable the City to maintain a satisfactory standard of electric service. In the case of high motor starting current, violently fluctuating or intermittent loads, etc., the City reserves the right and shall have the right to require Customer to install, at the Customer's expense, transformers and apparatus to correct the objectionable conditions. (These cases may include welders, hoists, elevator motors, pumps, and similar apparatus).

(C) When a separate or oversized substation or transformer must be installed specifically to eliminate the effect of the objectionable load characteristic, and the distribution system would otherwise have the capacity and equipment required to supply a normal load service of the same size, or where separate transformers and/or services are installed at the Customer's request to supply apparatus which may be abnormally sensitive to voltage, the cost of such substation or transformer is considered a corrective device under subparagraph (B) above, and shall be provided at the Customer's expense.

(D) The City retains rates that are applicable to industrial and commercial services which are based on all such Customers maintaining a power factor of not less than **ninety percent (90%)** lagging. In the event a Customer's power factor is less than **ninety percent (90%)** during periods of normal operation, the City reserves the right to require Customer to install, at his own expense, such corrective equipment as may be required to increase Customer's power factor to not less than **ninety percent (90%)**.

(E) When a Customer fails to install the necessary facilities on his premises to correct the objectionable conditions of his loan or fails to prevent such objectionable conditions from interfering with the City's supply of satisfactory service to other Customers, the City shall have the right to deny service to such Customer until the objectionable conditions shall have been corrected in a manner satisfactory to the City.

(F) Where corrective equipment is installed by the City on its distribution system to correct any objectionable condition, the Customer whose service caused the objectionable conditions will be required to pay the City, without refund, the installed cost of such corrective equipment, which said corrective equipment shall remain the property of the City.

38-5-10 **METERING.** The following rules and regulations shall be adhered to:

(A) **Meters Required.** All locations of customer service by the electrical system shall be metered. Meters shall be provided and installed by the City. If, in the opinion of the Superintendent, the situation dictates that a service shall go unmetered due to the lack of a proper meter, the customer will be billed on a flat rate, as determined by the City. All apartments or multi-constructed units shall be provided with individual meters.

(B) **Location.** All meters shall be mounted on an exterior wall in an easily accessible location as designated by the Superintendent or his designated representative.

(C) **Testing.** Any municipal electrical meter shall be taken out of service and tested upon complaint of the consumer upon payment of a fee of **Twenty-Five Dollars (\$25.00)**. If, upon testing, the meter is not within **three percent (3%)** of being accurate, it shall be repaired or replaced and the **Twenty-Five Dollar (\$25.00)** fee returned to the consumer. If the meter is within **three percent (3%)** of being correct, the fee will not be refunded.

(D) **Meters Stopped or Registering Inaccurately.** [See Section 38-2-1(L)].

(E) **Tampering.** [See Section 38-2-1(C) and 38-5-21.]

38-5-11 RESPONSIBILITY FOR CONTINUITY AND QUALITY OF SERVICE.

(A) The City endeavors to furnish continuous and adequate service; however, it cannot guarantee the service as to continuity, freedom from voltage and frequency variations or reversal of phase rotation, and will not be responsible or liable for damages to customers' apparatus resulting from such failure or imperfection of service. In cases where such failure or imperfection of service might damage a customer's apparatus, the customer shall install suitable protective equipment.

(B) Emergencies may arise in which it is essential for the City to immediately take lines or equipment out of service, for repairs, and to prevent damage to life or property or to prevent a more serious interruption of service. The City reserves the right to take lines or equipment out of service under such conditions and will attempt to give customers advanced warning of such interruptions as conditions may permit.

(C) The City further reserves the right to take lines and equipment temporarily out of service for short periods for maintenance and changes in construction. Such outages will be planned at a time convenient to customers involved, if at all practical and possible.

38-5-12 EXTENSION FOR NEW SERVICE.

(A) Unless otherwise stated herein, the City, at its cost and expense, will make extension of its electric distribution lines for the purpose of serving applicant(s) under the following general terms and conditions:

- (1) The location of the premises to be served shall be within a territory where the City is lawfully permitted to render service.
- (2) The City shall be supplied with an easement satisfactory to City from its existing lines to a point adjacent to the premises proposed to be served.
- (3) The applicant(s) and the anticipated usage shall meet the requirements of the applicable electric rate schedule for the type of service requested.
- (4) Fees shall be paid as required under this Code.

(B) Whenever an applicant(s) requests the City to extend its electric distribution lines within a subdivision applied for after the passage of this Section, the following terms, procedures and conditions shall be complied with:

- (1) The City shall not bear the costs of installing electric distribution lines within a platted subdivision, either inside or outside of the corporate limits where City is lawfully permitted to render service. The applicant/developer shall pay such costs as stated herein.
- (2) Any applicant or applicants installing electric distribution lines within such subdivision may enter into a contract with a private contractor approved by the City for the installation of electrical distribution lines pursuant to plans and specifications presented to and approved by the City, using materials as approved from time to time by the City. If a private contractor is used for the installation of electrical distribution lines, the applicant shall pay to the City its costs incurred with respect to the inspection and monitoring of the installation of such electrical distribution lines by the private contractor. The charge is payable at the time the application for electric service is approved. The installation shall be inspected and approved by the City prior to initiating electric service. After approval of the installation, the City shall accept maintenance of the electrical system with City notifying applicant of such acceptance in writing.
- (3) If requested by the applicant(s), the City will provide the applicant(s) with the total estimated cost to the City to install the electrical distribution lines. The estimated cost shall include all materials, labor, equipment, engineering and related items required to complete the electrical installation. The applicant(s) may authorize the City to complete the installation and the charge shall be paid by the applicant(s) at the time the application for electric service is approved. Upon completion of installation City shall determine its actual cost to perform the electrical installation and reimburse applicant for the difference between the estimated cost versus the actual cost if the estimate was too high. If the estimate was too low, the applicant shall be billed the difference between the actual and estimated cost and same shall be paid within **thirty (30) days** of billing. City shall accept maintenance upon completion of the electrical installation and payment by applicant of any additional cost.
- (4) Extension of electrical distribution lines and services outside the City Limits shall be subject to special approval of the City and shall be subject to all of the rules and regulations and provisions as provided herein, as amended, and as permitted by law.

- (5) All lines and equipment shall become the property of the City upon construction by the City or acceptance by the City when constructed by an electrical contractor approved by the City.
- (6) This Section applies to electric distribution line extensions constructed within subdivisions as required per **Section 34-3-26** of the Subdivision Code as amended.
- (7) City, at its cost, shall extend City's electrical distribution lines to the applicant's property line and applicant shall be responsible for the installation of the electrical distribution lines within applicant's subdivision as stated above.
- (8) Applicant shall provide, both inside and outside of applicant/developer's subdivision, all easements satisfactory to City which are needed to extend and to connect City's electric distribution system to applicant/developer's subdivision.

(Ord. No. 1120; 02-06-06)

38-5-13 SERVICE VOLTAGE. The service voltage for all locations are listed below. Any other service voltage is considered non-standard. The minimum capacity of the service entrance shall be **two hundred (200) Amperes**. **(See application fees in Section 38-2-31.)**

(A) **120/240-Volt Single-Phase 3 Wire Service.**

- 200 AMP Overhead Tap
- 200 AMP Underground Tap
- 300 AMP Underground Tap
- 300 AMP Overhead Tap
- 400 AMP Overhead Tap
- 400 AMP Underground Tap
- 400 AMP Underground Tap/Overhead Service Area

(B) **Unattached Services.** (When meter base and breaker is not attached to building for standard 120/240-volt single-phase 3-wire service):

Installation of 200 AMP meter base and breaker

(C) **3 Phase Service (Non-Standard Service).**

- 200 AMP 4 wire Y, 120/208 voltage
- 400 AMP 4 wire Y, 120/208 voltage
- 200 AMP 4 wire delta, 120/240 voltage
- 400 AMP 4 wire delta, 120/240 voltage
- 200 AMP 3 wire delta, 240 voltage
- 400 AMP 3 wire delta, 240 voltage
- 200 AMP 3 wire delta, 480 voltage
- 400 AMP 3 wire delta, 480 voltage

(Ord. No. 1433; 02-03-20)

38-5-14 **NON-STANDARD SERVICE VOLTAGE.** There may exist locations where an existing distribution network has other than standard secondary service voltage than listed above. These systems are not necessarily being expanded as an obligation to the City and in certain cases, a new service may be installed at the existing voltages in the electrical network. If a non-standard service voltage or 3-phase service is desired, the owner shall consult with the Superintendent before purchasing heavy duty residential, commercial or industrial equipment for installation on the electrical system. If it is practical, in the opinion of the Superintendent, the non-standard service voltage may be provided, however, the owner will bear the additional expense as stated in **Section 38-2-32** and the risk of extended loss of service in the event of a transformer failure.

38-5-15 **TYPES OF CUSTOMER SERVICE CONNECTIONS.** The following types of customer service connections are provided by the electrical system:

(A) **Overhead Connection - Overhead Service Area.** Overhead service shall be delivered to the individual residence by means of overhead cable from the electric system pole structure to a designated point on the dwelling of sufficient height to comply to applicable code clearances. The location of the service entrance shall be such as to provide for the shortest route from the structure to the home as practical. The owner or contractor shall provide the service head, riser conduit, and all other materials and installations required to make a complete installation. Conductor tails of **two (2) foot lengths** shall extend out the riser weatherhead to facilitate making connections to the triplex service conductors provided by the City. Service lengths installed by the City shall be limited to **one hundred (100) feet** from the property line nearest a transformer. Any additional length of conductors or additional support facilities shall be installed by the City only at the customer's expense. Meter sockets shall be provided by the City, but installed by the owner or the owner's contractor, and shall be located at a height of **five (5) feet** above final grade with all meters located outside of any building, dwelling or restricted area.

(B) **Underground Connection - Underground Service Area.** In areas with underground services, the services shall be delivered to the residences by means of a buried triplex cable from pedestal, vault or pad mount transformer located on or near the property line to a point designated on the dwelling. The location of the service entrance shall be such as to provide the shortest routes from the pedestal, vault or pad-mounted transformer to the building as may be practical. All obstructions such as debris, dirt piles, brush, etc., shall be removed prior to the installation of service, and a lot shall also be graded to within **six (6) inches** of final grade. The owner or contractor shall provide the necessary equipment to provide a complete installation as indicated on the attached drawings. Service length installed by the electrical system shall be limited to **one hundred (100) feet** from the property line nearest a transformer. Any additional length of service shall be installed by the City at the property owner's expense. Underground service is not guaranteed by the City as circumstances may force service to be provided to any location by overhead service.

(C) **Underground Connection - Overhead Service Area.** Underground service in an overhead service area will be available, provided engineering considerations will not prohibit service, in the opinion of the Superintendent. The conversion of existing overhead service to underground service shall be available as time and work load permit with the approval of the Superintendent.

(D) **Overhead Service - Underground Service Area.** Overhead service in an underground service area will not be permitted unless, in the opinion of the Superintendent, that due to the engineering considerations, this is the only feasible and practical manner in which service may be provided.

38-5-16 **SERVICE ENTRANCE METHODS.**

(A) Drawings depicting approved service installations shall be furnished to any user, contractor, or prospective user upon completion of a service application per **Appendix "H" and "I"**.

(B) The City Superintendent shall, from time to time, propose revisions to the "Service Entrance Drawings". Revisions shall take effect for any new construction, renovation or remodeling started **fifteen (15) days** after passage of the City Council, approval and publication as required by law.

(C) Any new, rebuilt, or upgraded service entrance shall comply with the approved drawings. Failure to comply with the approved drawings shall be sufficient cause to refuse service.

(D) Service will be furnished to customers only after a meter has been installed by the City.

38-5-17 CODE COMPLIANCE.

(A) Every contractor or person responsible for the installation of the electric lines, appliances or other equipment related to electric service shall comply with the provisions of this Code.

(B) If, upon inspection by the City Superintendent or the representative, certain installations are found to contain discrepancies, such discrepancies shall be corrected before permanent connection of service will be completed. If the permanent connection of service has been completed, the City Superintendent may mail the Customer a written request demanding conformity within a **ten (10) day** period or any prior service connection made by the City will be disconnected and terminated.

38-5-18 UTILITY FACILITIES ON CUSTOMER'S PREMISES.

(A) Distribution facilities required to serve either a group of Customers in multi-tenancy premises or a single Customer may be installed by the City partially or totally on the premises being served. The property owner shall make provisions on his property for the installation of City owned facilities required for this service or services and shall grant City an easement as necessary.

(B) The City facilities shall consist of those which, in the opinion of the City Superintendent are necessary to furnish adequate service. The City will design the installations and will install them in a manner most economical or feasible to the City under the existing conditions. Where the City installation is located in a property owner's building, the applicable provisions of this Code shall be observed, except that metering devices shall be externally accessible.

(C) The property owner shall furnish, at his own expense, own and maintain the necessary indoor or outdoor enclosures, structural supports and accessories as specified by the City. Payment to the City shall be made prior to installation.

38-5-19 CUSTOMER'S RESPONSIBILITY FOR CITY EQUIPMENT.

(A) The Customer shall be responsible for all damage caused to the City's equipment by the Customer. He shall be responsible for all loss resulting from interference or tampering including compensation for consumed service not recorded by the meter.

(B) Meters are sealed by the City and such seals shall not be broken or tampered with without the consent of the City except in cases of emergency. The City shall be notified as soon as possible after a seal has been broken.

38-5-20 INCREASE IN CUSTOMER'S LOAD.

(A) When a customer makes application for service, he shall specify the amount of electrical load to be connected to the electric system so that the City may determine the adequate service of sufficient capacity for the operation of the equipment to be serviced.

(B) The Customer's connected load shall not be increased beyond the limits hereinafter stated until the Customer has given written notice to the City and the additional load has been approved by the City Superintendent, unless the load increases a total of **three (3) HP or less**, or electrical additions total **twenty (20) amperes or less**, in which case, an electrical load increase will not require notification.

(C) If a Customer does not give proper notice of increased electrical load, the Customer shall be liable for any damage to the electric system equipment resulting from the increased load. Furthermore, any person who installs additional electrical loads in excess of those loads requiring notification without reporting to the City and obtaining approval of the City Superintendent, shall, upon conviction of such failure to notify, be fined not less than **Twenty-Five Dollars (\$25.00)**, nor more than **Five Hundred Dollars (\$500.00)**. The City may elect to refuse to furnish electrical energy to any person or corporation found guilty of failing to report an increased electric load, that requires such notification.

38-5-21 RESALE OF SERVICE. Electrical energy provided by the City shall not be sold to a third party or otherwise disposed of by a third party. The energy provided by the City shall be for the sole use of its Customers.

38-5-22 MOTORS AND APPARATUS SHALL BE AS FOLLOWS.

(A) **Motors.** The City reserves the right to select the type of service to be supplied and shall be consulted before equipment is purchased or ordered by a Customer regarding the general characteristics of service, including those services having motors **5 HP and larger** or where the aggregate load of smaller motors is more than **7 1/2 HP**.

(B) In general, **7 1/2 HP and larger motors** will be three-phase. There may be, at the City Superintendent's sole discretion, exceptions to this rule.

- (1) In areas where three-phase energy is not readily available, larger single-phase motors may be permitted, but only with the prior approval of the City Superintendent.
- (2) Where the Customer is already using three-phase energy, motors smaller than **7 1/2 HP** may be added to the three-phase service, upon notification to the City, if elsewhere required.
- (3) Three-phase service is not normally available for residential customers.

(C) Motors and motorized equipment will generally be approved for use on the electric system only if the Total Locked Rotor Current does not exceed an acceptable level, as determined by the City Superintendent.

(D) If starting currents are objectionable and will cause interference on the electric system in the judgment of the City Superintendent reduced voltage starting or such other methods as the City Superintendent determines feasible, will be required to be furnished by the Customer.

38-5-23 SUB-METERING. No sub-metering shall be permitted except by the City of Red Bud Electric Department. Energy sold under this Code is for the use of the Customer and not for resale.

38-5-24 RENTED DUSK-TO-DAWN LIGHTS. Private lighting luminaries (dusk-to-dawn lighting services) for home, schools, security, churches, commercial areas, and industry shall be provided where feasible and in keeping with good electrical practice, as per the following specifications:

(A) A self-contained, automatic, Dusk-to-Dawn lighting fixture shall be furnished and installed, or caused to be installed, by the City. Such fixture shall meet the standards and specifications of the City on existing wood pole structures for the customer's use at a monthly charge rate as set out in **Section 38-2-30** for a minimum **two (2) year** period. The charge will be added to the customer's monthly utility bill and shall become an integral part of said bill. The City will be responsible for making the installation, furnishing the electricity for the operation of the lamp, provide all the necessary maintenance (including the replacement of lamps, but excluding malicious damage) for the **two (2) year** period and all subsequent time additions to the length of service, as agreed to by the City.

(B) Should the installation of a standard lighting unit require the installation by the electrical system of additional facilities not required by the City for distribution purposes other than the private outdoor lighting to be installed, the City will furnish, install, own and maintain the additional facilities (including wood poles), which may be necessary to provide such lighting from nearby distribution lines. The City will make a net monthly charge, in addition to the charge set forth above, of **one and one-half percent (1.5%)** of the additional cost to the City for the furnishing and installing such additional facilities.

(C) A **two (2) year** minimum contract shall be agreed to and signed by each customer desiring Dusk-to-Dawn Lighting Service, authorizing fixed monthly charges to be applied to the monthly electric utility bill. In the event that a customer desires the removal of the unit or discontinuance of the service, the remainder of the charges to complete the **two (2) year** contract shall become immediately due and payable by the customer.

(D) Dusk-to-Dawn Lighting shall be installed on wood poles with a normal ground-to-lamp height of approximately **twenty-five (25) feet. (Ord. No. 1321; 01-06-14)**

(E) The customer shall have the responsibility to notify the City of any interruption of service of the Dusk-to-Dawn Lighting. The City will restore service only during regularly scheduled working hours and shall, in any event, be under no obligation to do so before **seventy-two (72) hours** from the time of notification. In the event City is unable to effect repairs not caused by the customer within this period, the City's only liability will be to abate the charges on a pro-rata basis for each day after **seventy-two (72) hours** in which service is not available. The customer shall remove any obstruction to the installation of the City-owned facilities. Trimming of trees to improve the distribution of light shall be the customer's responsibility. The customer shall provide any permits or easements required for the installation or maintenance of the City-owned facilities and permit access to such facilities by the City's vehicles and personnel. A lighting agreement shall be substantially in the form provided for in **Appendix "F". (#410)**

38-5-25 **TRIMMING TREES.** No trees shall be, in any manner, cut or trimmed in any of the streets, alleys, sidewalks or public places in this City, where such cutting or trimming is not absolutely necessary, in the opinion of the Electric Superintendent, to the successful operation of any electric line or system, and unless such trimming is done under the immediate direction of the Superintendent.

All trees necessarily trimmed as aforesaid shall be so trimmed that they may retain their original form and usefulness as nearly as may be, and as not to be mutilated or rendered unsightly or useless for shade or other purposes, or unnecessarily prevented or retarded from following their natural growth and development. Whenever, by resolution, the Council deems it expedient, it may require any reasonable change or replacing of any pole or wire which unduly interferes with the growth of trees or any system of tree planting in this City, subject, however, to the vested and lawful right of the owners of such poles or wires.

(Ord. No. 943; 04-05-99)

38-5-26 **M.I.S.O. REGULATION.**

(A) The findings and determinations set forth in the preamble to Ordinance No. 1205 are hereby made findings and determinations of the City Council and incorporated into the text of this Section by this reference.

(B) The customers of the City municipal electric utility are hereby restricted and precluded from bidding or selling demand response into any organized electric or ancillary services markets operated or administered by Midwest Independent Transmission System Operator (or any successor independent system operator or regional transmission organization) or otherwise participating in such markets with any demand response resources whether directly or through a third-party aggregator.

(C) The City Council will revisit this Section once the MISO rules for implementing the FERC Order and Regulations have been put in place to determine if the protection afforded by this Section is still required or whether customers of the Municipality's electric utility system will be permitted to participate in the MISO markets with any demand response resources, either directly, through a third-party aggregator or only through the Municipality or its designee. **(Ord. No. 1205; 03-02-09)**

38-5-27 **I.M.E.A. ELECTRIC AGREEMENTS.** The ordinance authorizing the purchase of electric power pursuant to a long term power sales contract with the Illinois Municipal Electric Agency is hereby included as Exhibit "A". **(Ord. No. 1219; 06-07-09)**

38-5-28 **RENEWABLE GENERATION FACILITIES AND NET METERING.** The City shall make available, upon request, net metering service to any electric Customer taking service from the City and who meets the requirements set forth herein.

(A) **Definitions.**

- (1) "Net metering" shall be defined as service to an electric Customer under which electric energy generated by that electric Customer from an eligible on-site generating facility owned by that Customer and, under some circumstances, delivered to the local distribution facilities, may be used to offset electric energy provided by the City to the electric Customer.
- (2) "Eligible on-site generating facility" shall be defined as a renewable generating facility such as a photovoltaic facility and small wind turbines, if allowed, at a single location. Other forms of renewable generation shall be considered on a case-by-case basis by the City Council. In all cases, facilities interconnected must be deemed by the City to be renewable to qualify.
- (3) "Customer" shall be defined as any person, trust, estate, partnership, corporation, business entity, condominium, townhouse, homeowner's association, or other similar entity having a utility account(s) with the City for any single location.

(B) **Service Requirements.**

- (1) No eligible on-site generating facility for a residential Customer shall have a capacity that exceeds 10kW for all of their accounts at a single location as determined by the City. No eligible on-site generating facility for a commercial or industrial Customer shall have a capacity that exceeds 40kW for all of their accounts at a single location as determined by the City. Any eligible on-site generating facility greater than these limits shall be considered on a case-by-case basis by the City. Notwithstanding the total capacity allowances, the City reserves the authority to limit the size of a Customer net metered installation to a size such that the electrical output will not, as a matter of routine operation, exceed the electric load of the structure on which it is installed.
- (2) Total net metered capacity interconnected herein for the City system shall not exceed **two percent (2%)** of the system's peak as it existed in the prior calendar year on a first-come, first-served basis. In the event that the system peak is reduced such that the existing net capacity exceeds the **two percent (2%)** level, those existing net metered Customers shall be allowed to continue their interconnection. However, no new interconnections will be allowed until such time as the system peak grows such that net metered capacity is again no greater than **two percent (2%)** of the system's peak.

- (3) The electric generating facility must abide by the current terms and conditions for interconnection as approved by the City Superintendent at the time of interconnection.

(C) **Application.** Before the beginning of installation of an on-site generating facility, the Customer must complete a net metering application along with a building permit application and receive approval from both the City Superintendent and the Code Administrator. Before the generating facility is used, the installation contractor must complete and deliver a certification of completion on the prescribed form to the City Superintendent for approval.

(D) **Billing and Costs.**

- (1) Energy used by the Customer from the City, as reflected in the meter reading, shall be billed at the appropriate full retail rate. The City will apply a 2:1 kWh credit to a subsequent bill for service to the customer for the net electricity received by the City (for every 2kWh's of energy received by the City from the Customer's generation, the Customer will receive a 1kWh's credit). In no case shall credits for excess energy be carried forward for a period greater than **twelve (12)** consecutive monthly Billing Periods ending on the last day of the Customer's December monthly Billing Period. In the event of termination of an account qualifying for net metering, any outstanding credits will be applied to the Customer's final bill. However, the City will not pay Customer for such credits that exceed the amount owed to the City or transfer them to another account.

- (2) Any costs the City incurs associated with a Customer's net metering, including but not limited to changes in metering (to include installation of a bi-directional meter) and other physical facilities or billing-related costs, shall be billed to and paid by the Customer provided that such costs shall be capped at **One Thousand Dollars (\$1,000.00)** to each qualifying Customer with interconnecting facilities of 10 kW or less. For those facilities greater than 10 kW that are deemed to qualify, all actual costs associated with the program shall be billed to and paid by the Customer.

(E) **Other Documents.** The City Superintendent shall develop such documents as needed to implement this policy, including an application, terms and conditions, and certificate of completion. The City Superintendent shall update and change these forms as needed without further approval of the City Council.

(Ord. No. 1441; 07-06-20)

ARTICLE VI - GAS SYSTEM

38-6-1 APPLICATION FOR NATURAL GAS SERVICE.

(A) Any prospective customer requesting new gas service or an existing customer requesting additional or changed gas service shall complete and file with the Administrative Assistant an "Application for Natural Gas Service", a copy of which is attached as **Appendix "F"** of **Chapter 38**.

(B) If the Applicant is a tenant of the premises to be served, the property owner, or his legal representative or designated agent, must countersign the application before the application will be granted for all new installations for purposes of granting City an easement within which to lay the gas line on and over the owner's property.

(C) Applications will expire **one hundred twenty (120) days** after the date of application. If application expires the fee is refundable. If service is still desired a new application must be filed and paid for in full. **(Ord. No. 1051; 01-05-04)**

38-6-2 GAS SERVICES: EASEMENTS REQUIRED. Where service lines are laid on private property, an easement shall be granted by the owner thereof providing for the installation and maintenance of the proposed service lines to be installed and maintained by the City and for the extension along or across such property for making other service connections from the same service line. This easement is granted by the owner upon the owner's execution of the "Application for Natural Gas Service".

38-6-3 CONNECTIONS TO BE MADE BY CITY. Upon the filing of an application with the intent to immediately use gas if the same is in proper form and the service connection fee is paid as provided in **Section 38-2-41**, an order for the installation of service pipe, tap, meter and service connections will be issued by the City Superintendent to make such installation and connection without unnecessary delay and to return such order immediately upon completion of the work with an endorsement thereon signed by such employee making such installation, showing the date, place and manner in which such service connection was made and an itemized statement of the cost thereof. All applications and orders issued and returned thereon shall be appropriately numbered and kept on file in the office of the City Administrative Assistant as a permanent record. The service line shall not be installed more than **sixty (60) days** prior to its use for service. Services that have been inactive or abandoned over **two (2) years** may be disconnected and removed by the City at the discretion of the City Superintendent. If service is disconnected or removed it will terminate the gas service. Applications shall expire in **one hundred twenty (120) days**. If application expires, the fee will be returned to applicant. If service is still desired a new application must be filled and paid for in full. **(Ord. No. 990; 04-02-01)**

38-6-4 SPECIFICATIONS FOR MAIN AND SERVICE CONNECTIONS. The City does hereby adopt the requirements of the Federal and State Pipeline Safety Acts as its "specifications base". Gas Service connections made to the mains of the system of the City

shall comply with requirements and regulations set forth within the Pipeline Safety Acts and related Pipeline Safety Standards as amended from time to time.

38-6-5 ALL SERVICE SHALL BE METERED.

(A) All gas services shall be metered with a meter of adequate size to measure the amount of gas consumed. Meters shall be of standard design and may be of the diaphragm, rotary or turbine type properly used at the discretion of the City Superintendent. The measurement pressure base shall be **seven (7) inches** water column. The temperature base shall be **sixty degrees Fahrenheit (60°F)**.

38-6-6 METERS, ETC. TO BE OPEN FOR INSPECTION.

(A) All meters shall be so placed and installed as to render the same accessible at the time for the purpose of reading and repairing. All meters shall be set outside of the buildings where practical. Indoor installations are prohibited unless found to be unavoidable. If so, the installer must provide adequate vent extending to the outside and must be approved in writing by the City Superintendent prior to doing any such work.

(B) Meters, regulators, fittings, fixtures and appurtenances connected to the system and located on private property shall be open for inspection and reading at all reasonable hours by the proper officers or employees of the City. Any part found to be defective or not in compliance with the provisions of this Code shall be immediately repaired or corrected. Service may be discontinued without notice at any time when conditions of the privately-owned facilities create danger or hazard or found not in compliance.

38-6-7 TEST OF METERS.

(A) Any consumer may request the City to make a test of the accuracy of the meter, then in use on their premises. Such tests will be made by the City without charge, provided that such meter has not been tested within **two (2) years** preceding such request. In case a consumer requests an accuracy test of a meter which has been previously tested within **two (2) years**, the consumer shall be required to deposit with the City the sum of **Fifty Dollars (\$50.00)** for a meter having a capacity of 415 cfh or less. Larger meters shall be tested at actual cost of the work.

(B) In the event such meter is found by testing to register incorrectly at **twenty percent (20%)** full capacity, by more than **two percent (2%)** fast or slow, then another meter shall be substituted and the test deposit shall be refunded. Past gas bills shall be adjusted by refund or credit of such percentage of the amount of the gas bills for a period of not more than **six (6) months** previous to such test as prescribed in this Code.

(C) In the event that the meter is found to be within the limits and registering correctly, the consumer shall forfeit the test deposit and such funds shall be deposited in the gas operating funds of the City.

38-6-8 SEPARATE METERS FOR EACH LOT/MULTIPLE CONNECTIONS. A

person, firm, or corporation may connect any gas service line or transmit gas supplied by the natural gas system of the City into more than one distinct building or location from one meter, if they comply with the following regulations and NFPA 54 (National Fuel Gas Code, latest edition), as inspected and approved by the City:

(A) The gas service line pipe may be ran from within the principal structure on the property or from the outlet on the gas meter to another distinct building or location on the property with the same service address at the sole expense and direction of the Customer in compliance with the depth requirements of the City's gas code, rules and regulations. No connection may be made from one principal structure to another principal structure, whether on the same property or not. No connection may be made to any other distinct building or location located on property with a different service address as the originating principal structure or originating gas meter.

(B) The Customer shall complete and file with the Administrative Assistant an "Application for Natural Gas Service", a copy of which is attached **as Appendix "F" of Chapter 38**, before installing a gas service line.

(C) The Customer is responsible for sizing the gas service line pipe for proper gas flow and pressures to accommodate all items attached to the gas service line.

(D) The Customer is responsible for any cost of upgrading their existing gas meter to accommodate the new BTU load.

(E) Any gas service line pipe that is underground must be PE gas pipe with approved PE connectors or must be coated steel pipe approved for gas usage with cathodic protection added.

(F) There must be a shut off valve on the outside where the gas service line pipe leaves the principal structure on the property or the outlet on the gas meter and there must be a shut off valve on the outside where the gas service line pipe enters the other distinct building or at the distinct location on the property.

(G) There must be a locator wire installed with PE pipe for locating purposes with both ends exposed.

(H) The gas service line must be labeled "Natural Gas" at or near the shut off valves at each end of the line.

(I) Any part of the gas service line that is ran through a masonry wall must be sleeved in plastic.

(J) No gas valve shall be hidden or obstructed in any way, whether by shrubs, bushes, weeds, grass, flowers, decorations or any other object.

(K) The gas service line must be tested per city codes, rules and regulations the same as a gas service line inside of a principal structure.

(L) The gas service line must pass the 20 lb Air Test prior to final connection to the City's gas supply.

(M) The Customer is responsible for maintenance of any gas service line pipe ran after the point of the gas meter.

(N) The Customer is responsible and liable for any leaks on any gas service line pipe ran after the point of the gas meter.

(O) If the Customer fails to adhere to the City's gas code, rules or regulations, relating to construction, maintenance or operation of the gas service line, then the City shall have the right, in its sole discretion, to shut off the Customer's meter and lock the valve in the interests of safety of the Customer or the public.

(P) The City reserves the right to add any additional regulations, in addition to those listed in this subsection, in order to comply with any and all Federal, State and local regulations regarding the safe and efficient operation of the gas system.

A garage or similar out building shall be considered a distinct building. An outdoor grill or other similar item shall be considered a distinct location. Apartment buildings constructed after passage of this Code Section (8-98), shall have each unit individually metered. Apartment buildings constructed prior to passage of this Code Section may continue to be serviced by **one (1) meter** at the option of the apartment owner. Duplex dwellings shall be serviced from individual meters. The City Council shall have the right to establish special services or service connections as may be necessary for large users.

(Ord. No. 1347; 10-05-15)

38-6-9 METER, REGULATOR OR CITY-OWNED EQUIPMENT DAMAGED.

(A) Whenever a meter, regulator or other equipment of a service connection which has been installed by the City is damaged by the customer, or his agent or guest, the damages shall become the liability of the customer who shall pay the City the actual cost of the removal, repairing and/or replacement of such damaged equipment.

(B) In the event such damage has caused inaccurate metering, then such gas bills shall be corrected in the manner previously provided for herein to cover such period that the meter was out of order.

38-6-10 CITY NOT LIABLE FOR AN INTERRUPTION OF SERVICE OR SUPPLY.

(A) The City shall have the right to shut off the supply of gas whenever it is necessary to make repairs, improvements, enforce rules or for any operating reason or if an unsafe condition exists. In all cases where possible, reasonable notice of the circumstances will be given to the customers, but in an emergency or the discovery of an unsafe condition, the gas may be shut off without notice. Such necessary repairs or work will be made by the City as rapidly as may be practical. The City shall not be held responsible or liable because of any shut-off or discontinuance of service for any direct or resultant or consequential damages to any person, company, entity or customer.

(B) In the event of such discontinuance of gas service, the City will make every attempt to safeguard the customer. In no case shall the customer turn on his own service. The purging of lines, relighting pilots and checking automatic controls will be done by the City at its expense. Where the nature of the customer's operations are such that an interruption of service might create a hazard or a large economic loss, such customer shall provide facilities for standby service at his discretion.

(C) Whenever mains, pipes, service connections or other facilities of the gas system are taken up, shut off or interfered with by reasons of any street improvement, the City will endeavor to maintain service so far as is reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, inconvenience or damage of any kind either to the adjacent customer or to other customers affected thereby. Direct damages to property due to such operations shall be either repaired or replaced by the City without cost to the customer.

(D) The City expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither insure nor be responsible or liable in any manner for any loss or damages direct or indirect by any reason of any fire, or any

other cause, and all gas service furnished shall also be conditional upon acts of God, inevitable accidents, fire, strikes, riots, or any other cause. Any customer having a facility, operation, process or activity which cannot under any or all conditions tolerate temporary interruption of gas service shall provide an alternate source of on-site fuel or heat for utilization during such interruption. The responsibility for this alternate source rests fully with the customer.

38-6-11 GENERAL RULES.

(A) No additional connection shall be made with any private line or customer-owned line. Private service lines or customer-owned extensions of service are prohibited.

(B) The City shall have the right and option to demand changes, removal or replacement of any pipe, fixture or apparatus which is considered to be faulty, inadequate or hazardous, provided, however, that this provision shall not obligate the City in any way or manner. The cost of the above work shall be fully borne by the customer. The City shall have the right to refuse or to discontinue gas service without notice to a customer if the City finds any installed apparatus or appliance which would be detrimental to the efficient operation of the existing facilities under the latest revision of National Fire Protection Association 54 (National Fuel Gas Code).

(C) All persons, firms, corporations and customers are strictly forbidden to attach any electrical ground wire to any fixture or piping which is or may be connected to any gas service pipe, meter or main belonging to the City. The customer on the premises shall be responsible and liable for any damage to the City's property or injury to the employees of the City caused by such ground wire. Any and all customer, persons, firms or corporations shall remove any existing ground wires immediately and if such ground wires are not removed after **twenty-four (24) hours** written notice, the City, through its officials, may enter the property and remove such ground wires and the customers shall pay all costs.

38-6-12 REGULATIONS RELATIVE TO CUSTOMER'S PIPING, FACILITIES, APPLIANCES, AND VENTING.

(A) The responsibility of the City for maintenance and safety of natural gas piping terminates at the outside wall of residential premises, unless the gas meter is located within **three (3) feet** of the structure, in which case the City's responsibility terminates at the outlet of the meter as in the case of all other meter settings.

(B) The City does herewith adopt as its rules and regulations and safety practices the rules, regulations and safety practices set forth in the latest revision of the National Fuel Gas Code, National Fire Protection Association 54, as amended from time to time, as though those rules, regulations and practices were fully repeated and set forth herein verbatim so far as they are not inconsistent with the provisions of this Code. In the event of conflict, the more restrictive language shall apply. Any person, firm or corporation installing fuel gas piping or appliances within the gas service area of the City shall follow said rules, regulations and practices.

(C) All buried natural gas piping facilities owned or served by the City and distribution appurtenances shall conform to the latest revision of NFPA 54 and the Minimum Federal Safety Standards Part 192 Code of Federal Regulations 49 as amended from time to time, as though fully set forth verbatim herein. The Minimum Standards shall apply equally to provide buried facilities and distribution appurtenances.

(D) The latest revision of the "National Fuel Gas Code" as amended from time to time, identified as the National Fire Protection Association No. 54 is incorporated herein by

reference and made a part hereof. If there is a conflict between that publication and this regulation, the more restrictive language shall apply.

(E) No surface may be constructed or placed over a gas service line or main which may produce a seal to a building wall or foundation.

(F) No meter, regulator, or any part of a meter setting may be painted or otherwise coated by a customer without written approval of the City Superintendent on a case-by-case basis. Special coatings are required to prevent shorting of insulators.

(G) Safety shut-off devices to protect either supply gas or venting failure shall be installed and subsequently tested for proper operation by the installer. Written documentation of the test may be requested. These devices shall be used when approved for or furnished with new heating equipment.

(H) Any customer piping, outside the building wall, shall be protected from atmospheric corrosion by the customer. It shall be painted at regular intervals after cleaning.

(I) The City will provide the installation of an excess flow valve in the customer's service line. The valve will be located near the customer's property line. In the event maintenance is required to the valve or any problem caused by the valve, it will be at the City's expense. All repairs will be made by the City. If an excess flow valve is requested by a customer that does not have one on their current service line, then the installation cost shall be paid by the customer and billed on the City's time and material cost. **(Ord. No. 1354; 03-07-16)**

(J) All piping inside a structure and **three (3) feet** above the finished floor level must be rigid black iron, except for flexible line defined and described in other subsections. All piping below ground and less than **three (3) feet** above the finished floor level of a structure may be polyethylene-sleeved flexible corrugated gas pipe installed according to the manufacturer's installation instructions. Galvanized pipe or fittings are not allowed. **(Ord. No. 1328; 06-30-14)**

(K) Flexible line (or flex line), being only flexible appliance tubing when referenced in this Section, is allowed behind the kitchen stoves and dryers, where moving the appliance is required for cleaning, but all other appliances shall be piped with rigid pipe the entire length. **(Ord. No. 1328; 06-30-14)**

(L) When flex line is required, it shall be stainless steel or Teflon coated type. No copper tubing or brass flex lines are allowed for the flex line.

(M) The flex line shall NOT be run through a wall or floor.

(N) Piping should be of sufficient size to maintain pressure throughout the building to all appliances, with a minimum of **one (1) inch** size from the meter into the building.

(O) Each appliance with rigid piping must have a **one-fourth (1/4) inch** turn shut off valve near the appliance, with a union after the valve, to allow for removal or replacement of the appliance.

(P) There shall be a **one-fourth (1/4) inch** turn valve near the meter, preferably on the outside of the building, or immediately inside the building wall, with easy access on the main piping off the meter. This valve should shut off the entire building.

(Q) There shall be a drip leg of sufficient size on the main pipe near the meter, either on the outside or inside of the building wall. There shall also be a drip leg for each appliance at or near the appliance.

(R) When a fitting must be used due to no other alternative in a wall or ceiling the fitting must be made accessible with a removable louvered vent.

(S) Lines may be put in for future appliances as long as valves are put in for each line and all ends of piping are capped or plugged.

(T) All piping shall be supported sufficiently so that no stress be put on appliances or the gas meter.

(U) The piping should enter the building in an area that will allow the meter to be placed at a minimum of **three (3) feet** away from any window, door, vent or any opening through the building wall.

(V) The meter shall be a minimum of **three (3) feet** away from the electric service, be of easy access and cannot be behind any obstructions such as an air conditioner.

(W) The owner, or his agent, shall perform the 20 lb. air test for leakage on all new piping prior to the City making a safety check. **(Ord. No. 990; 04-02-01)**

38-6-13 **RULES TO BECOME A PART OF CONTRACT.** All rules and regulations concerning the use of the facilities of the natural gas system of the City and the consumption of gas therefrom shall become a part of the contract with every gas customer, and every gas customer shall be subject thereto and bound thereby.

38-6-14 **EXTENSIONS OF GAS MAINS AND SERVICE.**

(A) The City shall not bear the cost of extending gas mains. For progressive "standard" residential lot-to-lot extensions within a platted subdivision or populated area the charge per lot shall be **Four Hundred Fifty Dollars (\$450.00)** to be paid in advance of installation. A standard residential main extension is defined as one having as length of **one hundred fifty (150) feet** or less and being connected to an existing source of supply within that length. This charge is final and non-refundable.

(B) For main extensions (1) other than "standard" residential lot-to-lot installations within or to reach a lot or development, or (2) commercial installations, or (3) industrial installations, either inside or outside the corporate limits, the charge shall be the total estimated cost to the City and shall be paid as an estimate by the applicant at the time the request for gas service is approved. The cost to the City shall include all materials, labor, equipment, engineering and related items required to complete the gas main extension. In the event that the amount so deposited is greater or less than the actual cost of the extension, such excess or deficiency shall be refunded or paid, as the case may be, prior to initiating gas service.

(C) Extension of mains and services outside the City limits shall be subject to special approval of the Council and shall also be subject to all of the rules and regulations and provisions as provided herein or as may be amended. All mains, lines and equipment shall be constructed by the City and immediately become the property of the City.

(D) The above applies to mains.

38-6-15 **TAMPERING WITH METER, REGULATOR AND ANY PARTS OF THE GAS SYSTEM BELONGING TO THE CITY.**

(A) It shall be unlawful for any person, firm, corporation or customer to break the seal of any meter, or in any manner, to make any alterations, changes or repairs on the same or to open any mains, laterals, service pipe, stop cocks, valves or any part thereof, or otherwise tamper or attempt to do any work on either or any of them without authority of the City, or its proper authorized agent. Any person who shall violate any of the provisions of this Section, or who shall willfully or maliciously injure or damage any property connected with the Gas System of the City shall be subject to the penalty hereinafter prescribed.

(B) No customer shall be permitted to use the stop cock of the service connection for shutting off gas while making extensions, additions or repairs to the pipe. Interruption of service will be made by the City or its properly authorized employees.

(C) Tampering shall include any type of confinement, enclosure, covering over, surface sealing or changing of the environment relative to any parts of the gas system or equipment of the City. Such tampering shall become the liability of the customer who shall pay the City the actual cost of removal, repairing and/or replacing equipment or material.

(Ord. No. 922; 10-05-98)