

CITY OF SUMNER

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ORDINANCE NO. 523

AN ORDINANCE TO ESTABLISH RULES, RATES AND  
REGULATIONS FOR THE OPERATION OF THE CITY  
OF SUMNER PUBLIC WATER SUPPLY SYSTEM

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ADOPTED BY THE  
CITY COUNCIL

CITY OF SUMNER, ILLINOIS

THIS 13<sup>th</sup> DAY OF August, 2002

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Sumner, Lawrence County, Illinois, this 13<sup>th</sup> day of

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REGULATIONS FOR THE OPERATION OF THE CITY  
OF SUMNER PUBLIC WATER SUPPLY SYSTEM

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL of the City of Sumner, Lawrence County, Illinois, as follows:

SECTION 1. Application for Services: Water service shall be furnished only to the City's users upon filing of an application and water user's agreement with the Clerk of the City upon a form to be supplied by the City.

SECTION 2. Initial and Minimum Charges Whether Water Used or Not: The rates as shown in the rate schedule in Section 8 of this Ordinance shall be paid by each customer who has signed a water user's agreement beginning at the time the City makes the service available to the customer.

The minimum rate will be paid by those customers not using the service, even though they may not be connected to the system, provided the service is available from the City.

There shall be a \$325.00 tap-on fee, for service to each property in which an application and water user's agreement has been filed.

In addition to the above charges, a \$200.00 deposit shall be made by any user who is renting or purchasing property on contract with anyone other than a conventional lending institution, unless the owner of the property signs a personal guaranty guaranteeing the charges for water services rendered to the property. This deposit shall be held by the City to guarantee payment of water bills. The deposit shall be returned to the user without interest upon termination of water service and all accounts of that user being paid.

SECTION 3. City's Responsibility and Liability:

A. Ownership, Installation and Maintenance. The City shall install, own and maintain the complete water system, water mains, and service lines to the property line or a mutually agreed upon point subject to the City Council's determination that the proposed service is economically feasible to install. The City shall furnish, install and maintain a meter and appurtenances including a shutoff valve. The shutoff valve shall be installed on the user's property or such other point determined by a duly authorized representative of the City. The meter may be located near the shutoff valve or within the users premises as determined by the City's representative. The meter and shutoff valve must be located at a point where it is readily accessible.

B. Refusal of Service. The City may at any time refuse additional services to any applicant if in the judgment of the City Council, the capacity of the system will not permit such use.

C. Liability. All water service supplied by the City shall be upon the express condition that the City shall not be liable nor shall any claim be made against it for damages or injury caused by reason of: 1) shutting off the water for repair, relocation, or expansion of any part of the system, 2) failure of any part of the system, 3) concentration of water for such purposes as firefighting, 4) restricted use of water.

D. Use of Water on User's Premises. The City shall reserve the right to use the water from the users facilities at any time deemed necessary. No charge shall be made by the user for the use of his facilities and no charge shall be made by the City for the water used by the City.

SECTION 4. User's Responsibility For:

A. Installing and Maintaining Service Lines. The user shall be responsible for installation and maintenance of service lines between the meter and the residence or business. Such service lines must be at least 3/4" inside diameter, and must be installed at a minimum depth of 3/5 feet. Service lines must have a minimum working pressure rating of 160 psi at 73.4 degrees and must be constructed of one of the following types of materials: copper (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines must not be covered until they are inspected and approved by a duly authorized City Representative. The user will not connect any service line to any other water source. The service line must meet all requirements of the State of Illinois Environmental Protection Agency.

B. Provisions for Location of Meter. The user shall permit the meter to be located upon the property.

C. Easements. The user shall give such easements and right-of-way as necessary to the City and shall allow access for the purposes of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the City Council.

D. Damage to City Property. No person shall tamper, adjust, damage, or in any manner interfere with the components or operation of the water system owned by the City. The shutoff valve shall be opened only by a duly authorized representative of the City. Penalty for tampering, damaging, adjusting, or in any manner interfering with the components or operation of the system shall not exceed \$500.00, payable to the City. The amount of penalty shall be determined by the City Council. If the penalty is not paid within 30 days after the amount is determined, the City shall shut off water service. In addition to the penalty, the

responsible person shall reimburse the City for the actual cost of repairing any damage arising from the person's act. Users shall report any known evidence of tampering, adjusting, damaging, or interference with operation of the system, owned by the City, to the City Council. Any malicious act or damage to the system that is not appropriately punishable by the foregoing shall be prosecuted through a court of law.

E. Specified Uses of Water. Water purchased from the City may be used for ordinary domestic industrial or farm use upon the premises of the user provided:

1. No user shall resell or permit the resale of water purchased from the City.

2. Each dwelling, apartment, business, and farm located outside and separate from a single family living unit is a separate unit. The user must make application for service for each unit, and each unit shall have a separate cutoff valve, meter and service line. The user shall pay the minimum monthly rate and other rates and fees herein established for each unit.

For purpose of this sub-section, the following definitions apply:

Dwelling: Single family living unit.

Apartment: Single family living unit that may be an Individual living unit or part of a multiple Family living complex.

Business: Business outside and separate from a single family living unit.

Farm: Consists of one single family dwelling and all related farm enterprises served by that meter and service line.

F. Cross-Connections.

1. Definitions. For the purpose of this subsection the following definitions shall apply:

a. "Backflow" shall mean a questionable quality, wastes or other contaminants entering a public water supply system due to reversal of flow.

b. "Cross-connection" shall mean a connection or arrangement of piping or appurtenance through which a backflow could occur.

c. "Safe air gap" shall mean the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a fixture, device or container to which public water is furnished; which shall be at least two times the inside diameter of the water inlet pipe; but shall not be less than one inch and need not be more than 12 inches.

d. "Secondary water supply" shall mean a water supply system maintained in addition to a public water supply including but not limited to water systems from ground or surface sources not meeting the requirements of Act No. 98 of the Public Acts of 1913, as amended, being Sections 325.201 to 325.214 of the Compiled Laws of 1948, or water from a public water supply which in a way has been treated, processed or exposed to any possible contaminant or stored in other than approved storage facility.

e. "Submerged inlet" shall mean a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against backflow.

f. "Water Utility" shall mean the City of Sumner, Public Water Supply.

2. Cross-connections Prohibited. Cross-connection of public water supply system or source including, but not limited to, the following are prohibited:

a. Between a public water supply system and a secondary water supply.

b. By submerged inlet.

c. Between a lawn sprinkling system and the public water supply system.

d. Between a public water supply and piping which contain sanitary waste or a chemical contaminant.

e. Between a public water supply system and piping immersed in a tank or vessel which may contain a contaminant.

3. Cross-Connection Control Program. The water utility shall develop a comprehensive control program for the elimination and prevention of all cross-connections, removal of all existing cross-connections and prevention of all future cross-connections.

4. Corrections and Protection Devices. Any user of the water utility water shall obtain written approval from the water utility of any proposed corrective action or protection device before using or installing it. The total time allowed for completion of the necessary corrections shall be contingent upon the degree of hazard involved and include the time required to obtain and install equipment. If the cross-connection has not been removed within the time as hereinafter specified, the water utility shall physically separate the water system from the on-site piping system in such a manner that the two systems cannot be connected by any unauthorized person.

5. Piping Identification. When a secondary water source is used in addition to the water supply, exposed water utility water piping and secondary water piping shall be identified by distinguishing colors or tags and so maintained that each pipe may be traced readily in its entirety, it will be necessary to protect the water utility water supply at the service connection in a manner acceptable to the water utility.

6. Private Water Storage Tanks. A private water storage tank supplied from the water utility water supply system shall be deemed a secondary water supply unless it is designed and approved for potable water usage.

7. Inspection. The water utility or any representative thereof shall have the authority to inspect any premises to determine the presence of any existing cross-connections and to order the elimination of such cross-connections.

8. Discontinuance of Water Service. The water utility shall discontinue water service after a reasonable notice to any person owning any property where a cross-connection in violation of this Code exists or where the user refuses to allow an inspection to determine the presence of a cross-connection. The water utility may take such other precautionary measures as necessary to

eliminate any danger of the contamination of the water utility water supply system. Water service to such property shall not be restored until such cross-connection have been eliminated.

SECTION 5. Extension of Mains:

A. Determination of Who Pays Expense of Extension. The City Council shall first determine if any extension of water mains is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the City elects not to pay the cost of extending the water main, then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the City Council. The City shall not pay for any extensions to an undeveloped area such as a subdivision being developed unless there are sufficient existing residents or businesses to make the extension economically feasible.

B. Responsibility for Payment of Services Already Consumed. Responsibility for Payment for water consumed prior to the date of termination shall be with the property owner as well as the user.

C. Charges for Change. There shall be no charge for transferring the water service to the subsequent user.

SECTION 6. Changes in Occupancy:

A. Notice to City. Any user requesting a termination of service shall give written notice to the City ten (10) days prior to the time such termination of service is desired. The meter shall be read by the City and the user will be billed.

B. Responsibility for Payment of Services Already Consumed. Responsibility for payment for water consumed prior to the date of termination shall be with the property owner as well as the user.

C. Charges for Change. There shall be no charge for transferring the water service to the subsequent user.

SECTION 7. Payment of Bills: (Bills will be rendered monthly)

A. Date Due. The meters will be read by the City on or about the 25<sup>th</sup> day of each month. If weather conditions or other circumstances prevent the reading of meters, then each water bill will be estimated by the City. Bills will be mailed on a monthly basis on the first day of the month following the date the meters are read and will be paid to the Treasurer of the City or his designated representative.

B. Penalties for Late Payment. There will be a ten percent (10%) penalty added to each bill that is unpaid 20 days after mailing. If any bill remains unpaid

25 days after mailing, the City will begin procedures necessary to disconnect the water supply.

These procedures are as follows:

The City shall notify the customer that it is being contemplated to disconnect his/her service for non-payment of his bill five (5) days before such service will be disconnected and that within that five (5) day period, the user is entitled to a hearing with the City. This notice will be mailed via certified mail, return receipt requested.

A record will be maintained of the comments made during this hearing.

After the hearing has been conducted the City may take any action as prescribed by law.

Once the service is disconnected it shall remain disconnected until such time that the delinquency and penalties are paid in full.

In addition a \$15.00 service fee will be added to cover the cost of restoring service if done during normal working hours. If service is needed to be restored after normal business hours, a \$25.00 service fee will be added to the bill. Bills remaining unpaid 30 days after rendition shall constitute a lien upon the real estate to which the services have been rendered. The City Clerk is hereby authorized and directed to file a notice of such lien in the Office of the County Clerk, Lawrence County, Illinois, and to pursue such legal action as is necessary to collect the delinquent charges.

SECTION 8. Rate Schedule:

The following shall be the rates for the water supplied by the City:

The minimum monthly bill will be as follows:

Min. (1000 gal.) = \$7.27

The minimum monthly bill will be payable irrespective of use.

The monthly bill for users within the City limits will be computed as follows:

MIN (1000 GAL)	\$7.27
1,001 GALLONS TO 12,000 GALLONS	\$4.68/1000 GAL.
12,001 GALLONS TO 25,000 GALLONS	\$4.01/1000 GAL.
25,001 GALLONS TO 100,000 GALLONS	\$3.39/1000 GAL.
100,001 GALLONS AND UP	\$3.18/1000 GAL.



The monthly bill for users outside the City limits will be computed as follows:

MINIMUM WATER CHARGE	\$7.27
1,000 GALLONS OR LESS	\$7.27
1,001 GALLONS TO 12,000 GALLONS	\$4.83/1000 GAL.
12,001 GALLONS TO 25,000 GALLONS	\$4.17/1000 GAL.
25,001 GALLONS TO 100,000 GALLONS	\$3.54/1000 GAL.
100,001 GALLONS AND UP	\$3.32/1000 GAL.

SECTION 9. MISCELLANEOUS.

A. It shall be unlawful for any person or other entity to attach a well system to the City water system.

B. If a person violates Section A of Section 9, they will be subject to a \$500.00 fine. The violator must also provide proof of two consecutive samples of their water in their house passing an Illinois Environmental Agency test. If the user can not provide such evidence of two consecutive samples passing the Illinois Environmental Agency standards, then the owner of the property must replace all of their water pipes and fixtures from the meter throughout the property before the property can be reconnected to the City water system.

PASSED by the City Council this 13<sup>th</sup> day of August 2002

(SEAL)

Betty L. Brown  
MAYOR

Blanche Pippie  
CITY CLERK

