

**ARTICLE 16**  
**PUBLIC UTILITIES DEPARTMENT**

**SECTION 16.1      COMBINED WATER AND SEWER SYSTEM**

The existing waterworks system in its entirety, together with all additions, improvements and extensions thereto, that may hereafter be made, and the existing sewerage system in its entirety, together with all additional improvements and extensions thereto that may hereafter be made, are hereby declared to be a combined system to be known as the Department of Public Utilities. Such combined waterworks and sewerage systems of the City shall be maintained and operated as a single utility; except, however, that all receipts and expenditures, budgets and other financial transactions shall be reported and kept separate as to the water and sewer systems and all requirements of any bonding ordinances heretofore or hereafter in force shall be complied with separately as to said system.

Charges or rates shall be established separately for sewer use and such rates shall be established separately for sewer use and such rates shall be reasonable and commensurate with the sewer and water services performed by such combined utility system, and sufficient to maintain and operate such system and provide adequate depreciation funds and pay the principal and interest on any revenue bonds which may have been or may hereafter be issued, which bonds are by their terms payable from the revenues of the sewer system, water system, or both.

Any charges or rates as hereinafter stated for the water or sewer system of the City of Mt. Vernon may be paid in cash, by check or by other approved medium of exchange; provided, however, that a payor by check thereby expressly agrees to pay to the City of Mt. Vernon a \$25.00 charge for each check returned or dishonored by the payor's bank. Said charge is immediately due and payable upon demand by the City therefor.

Each statement for service charges shall contain the phrase: "An additional service charge of \$25.00 is assessed upon any check being returned or dishonored by payor's bank."

**SECTION 16.2      SUPERINTENDENT OF PUBLIC UTILITIES**

A. The office of Superintendent of Public Utilities in and for the City of Mt. Vernon, Illinois, appointed by the City Manager, shall be paid a salary of \$20,000 per year, payable in equal monthly installments as a cost of operation of the sewer system and the water system. The Superintendent shall have the administration and supervision over the management, maintenance and control of the combined water and sewer systems of the City, and the repair, cleaning, and improvement of same; and he shall have supervision over the operation and maintenance of the sewerage and water treatment facilities of the City. He shall also exercise general supervision over the shop maintenance, water maintenance, sewer maintenance, water meter maintenance, iron removal maintenance, and procedure, pumping stations, maintenance and operation of the Public Utilities Department of all property pertaining thereto and connected therewith. He shall perform such other duties as are presented by the City Council.

The above described salary shall be adjusted quarterly hereafter by one-half the percentage of increase in the Consumer Price Index published by the Bureau of Labor Statistics, U.S. Department of Labor. The average index number as published for the month of May, 1981, for "All Items" in a table entitled, "Consumer Price Index of U.S. City Average, All Items and Commodity Groups", shall have subtracted from it the same index number as published for the month of August, 1981. The resultant number shall be divided by 2, and that figure used as a percentage for increase or decrease in the salary herein provided. The same computation shall then be made quarterly thereafter, using the average index figure for the last month of the prior quarter and the last month of the then quarter.

B. The Superintendent of Public Utilities shall cause all ordinances of the City in relation to sewer treatment, water treatment, sewage and water distribution, and sewer and water matters to be enforced and shall prosecute all persons for violation thereof; and he shall carry into effect all orders, general or special, which he may receive from the City Council, and report promptly on same with recommendations. The Superintendent may, by authority of the City Council, employ such number of laborers as may be necessary for the proper maintenance and repair of the sewage and water treatment facilities and the sewer and water system of the City at such prices as shall be fixed by any salary ordinance of the City.

He or the Superintendents for the departments of water and sewers, as the case may be, shall oversee and direct the sewage and water treatment and the sewer and water laborers and workmen and require them to labor faithfully, and he or the aforesaid Superintendents shall keep a correct account of the time, duties and action of such laborers.

C. It shall be the duty of the Superintendent of Public Utilities to keep a correct list of all implements, materials and other property of the City in his charge and in his possession, or in the charge and possession of any persons within the Public Utilities Department; and upon his resignation or removal from office he shall deliver such property to his successor in office, making a receipt therefor, which he shall immediately file with the City Clerk who shall credit him with same and shall charge the successor therewith.

The Superintendent shall keep in appropriate record a plain and accurate account of all expenditures made under his supervision, specifying to whom and for what purpose made. He shall examine all accounts of contractors and other persons for work pertaining to his division or for implements and material furnished therefor and, if correct, shall certify the same to the Board of Public Utility Commissioners.

D. When any work is done on any sewer or water main or upon any sewage or water treatment facilities by or under the direction of the Superintendent of Public Utilities, the location and manner of constructing or repairing the same shall be designated in an appropriate work order. The Superintendent shall cause to be repaired promptly all breaks or leaks in the sewage or water treatment facilities and in the sewer and water systems of the City; and where such breaks and leaks or other damages cannot be readily repaired by the employees under his supervision, he shall immediately report same to the City Manager.

In case of any accidents resulting to or from the sewer and water systems of the City or any appurtenances thereof, the Superintendent of Public Utilities shall forthwith report same to the City Legal Department and the City Manager, together with the names of any witnesses to such accident as may be known to him.

E. The Superintendent of Public Utilities is hereby authorized to obtain and enter into on behalf of the City, any and all contracts and agreements for furnishing sewer and water service to individual customers consistent with rates for such service heretofore or hereafter established by ordinance.

F. The Superintendent of Public Utilities shall annually, on or before the first day of May each year, prepare and submit to the City Council and to the Board of Public Utility Commissioners, a report showing in detail public works and improvements undertaken or completed in connection with his department during the preceding year and the cost thereof to the City. He shall also report in detail the acts and doings of said department, together with an accurate report of all receipts and expenditures.

**SECTION 16.3 SUPERINTENDENTS OF THE WATER SYSTEM AND OF THE WATER TREATMENT AND SUPPLY SYSTEM.**

There are hereby created the offices of Superintendent of The Water System and Superintendent of the Water Treatment Plant and Supply System in and for the City of Mt. Vernon, Illinois. It shall be the duty of such Superintendents to keep the water system of the City in good working condition, order and repair and to protect said system from unnecessary damage or loss. They shall superintend and direct all work pertaining to the further extension of such water system and all repairs upon the same of every kind, nature and description. They shall keep in a good state of repair at all times the water system of the City. They shall repair, clean and furnish, when necessary and required, all water mains, culverts, drains and other public waterways in the City, and they shall do and perform such other duties as may be required of them by the Superintendent of Public Utilities and the ordinances of the City in relation to water service. They shall from time to time examine the water mains of the City and make such improvements and repairs as they may deem necessary. The Board of Public Utility Commissioner shall delegate between such Superintendents the functions and duties of each.

**SECTION 16.4 SUPERINTENDENTS OF SEWER SYSTEM AND SEWER TREATMENT PLANT**

There are hereby created the offices of Superintendent of Sewer System and Superintendent of the Sewer Treatment Plant in and for the City of Mt. Vernon, Illinois. It shall be the duty of such Superintendents to keep the sewage treatment facilities and sewer systems of the City in good working condition, order and repair and to protect the same from unnecessary damage or loss. They shall maintain and operate the sewage treatment facilities and sewer systems of the City and sewer treatment plant and they shall superintend and maintain all work pertaining to all repairs upon the same of every kind, nature and description. They shall keep in good state of repair at all times the sewage treatment facilities and sewer systems of the City and

they shall do and perform such other duties as may be required of them by the Superintendent of Public Utilities and ordinances of the City. The Board of Public Utility Commissioners shall delegate between such Superintendents the functions and duties of each.

**SECTION 16.5      BOARD OF PUBLIC UTILITY COMMISSIONERS**

A.      There is hereby created a Board of Public Utility Commissioners which Board shall operate, manage and control and maintain the entire sewer and water systems, including sanitary and storm water sewers, the sewage treatment plant, water treatment plant, water mains, water reservoirs and all other sewer and water facilities of the City of Mt. Vernon, Illinois, and it shall further be the duty of the Board of Public Utility Commissioners to approve all bills payable by the Public Utility Department and to recommend to the City Council policy governing the operation of the Public Utility Department, including the Water Department and Sewer Department, all extensions thereto and rate adjustments thereof. All bills so approved shall be transmitted to the City Council of the City of Mt. Vernon, Illinois.

B.      The Board of Public Utility Commissioners shall consist of seven members who shall be appointed by the Mayor with the advice and consent of the City Council. The terms of the members first appointed shall commence on October 1, 1962; two members shall be appointed for terms to expire on October 1, 1963; three members shall be appointed for terms to expire on October 1, 1965; two members for terms to expire on October 1, 1967. Upon the expiration of the terms of those first appointed, their respective successors shall be appointed for terms of four years from October 1 of each odd numbered year. The Mayor and City Manager of the City of Mt. Vernon, Illinois, shall also be ex-officio members of said Board, without vote.

C.      Compensation of Board members - Expenses- Conflicting Interests - Restrictions of Employment.

Members of the Board of Public Utility Commissioners shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. No member of the Board of Public Utility Commissioners shall hold or be employed in or appointed to any office or place under the authority of the Board of Public Utility Commissioners, nor shall any member of the Board of Public Utility Commissioners be directly or indirectly interested in any contract made by the City, nor shall he be an employee of the City Government.

D.      Officers of the Board Meetings.

Members of the Board of Public Utility Commissioners shall elect annually by secret ballot from their number one member as Chairman, who shall preside over meetings of the Board, and a Secretary. Meetings of the Board of Public utility Commissioners shall be held at least once a month in the City Hall of the City of Mt. Vernon, Illinois. At all regular meetings of the Board of Public Utility Commissioners, a majority of the members shall constitute a quorum. Special meetings of the Board of Public Utility Commissioners may be called by the Chairman of the Board or by any two members of the Board.

E. Ex-officio Treasurer of the Board - Bond.

The City Treasurer of the City of Mt. Vernon, Illinois, shall serve as Ex-Officio Treasurer of the Board of Public Utility Commissioners, but not as a member, and the general bond of the City Treasurer shall be accepted as a bond of the Ex-Officio Treasurer.

F. The Board of Public Utility Commissioners shall make an annual report to the City Council, determined by the fiscal year of the City of Mt. Vernon, Illinois, and such report shall be presented to the Council during the first quarter of the next succeeding fiscal year and shall contain a full account of the financial and other transaction of the Public Utilities Department, together with full statement of the condition of the physical property comprising the sewer system and water system of the City of Mt. Vernon, Illinois.

**SECTION 16.6      REGULATIONS FOR WATER SYSTEM**

(a) Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

“City” shall mean the City of Mt. Vernon, Illinois.

“Department” shall mean the Department of Public Utilities of the City of Mt. Vernon, Illinois.

“Waterworks” shall mean all facilities for collecting, storing, pumping, treating and disposing of water.

“Public Main” shall mean a water main in which all owners of abutting property have equal rights, and is controlled by public authority.

“Building Main” or “Service” shall mean the extension from any building or structure to the Public Main.

“Water Treatment Plant” shall mean any arrangement of devices and structures used for treating water to render it potable.

“Reservoir” shall mean the collective system for storing water prior to treatment and use, including any lakes and streams used for such purpose.

(b) Each applicant for water supply or service shall file with the Superintendent of Public Utilities an application therefor, in writing, setting forth the name of such applicant, the location of the premises for which such supply or service is sought, the name of the owner of the premises, if other than the applicant, the nature and size of such service, or the extent of such supply and proposed use thereof. Upon receipt of an application as provided herein, a permit may be issued by the Superintendent for the installation of water service or the supplying of water in

accordance with the provisions of this chapter; provided that no permit shall be issued to any applicant while in default through nonpayment of any past due amount owing to the City or its predecessor for any water supply, sewer service, or installation theretofore rendered or made.

The Superintendent of Public Utilities shall keep or cause to be kept a record of all such permits issued by him, showing the date when issued, the name and residence of the person to whom issued, and the location of the property connected therewith. He shall also keep or cause to be kept a record of all water service pipes connected with any water main or water pipes forming a part of the water works system of the City, which record shall show the exact location of the City, which record shall show the exact location of said service pipes. The Superintendent shall also cause to be prepared a full and complete map or chart showing the location of all public mains and distribution pipes belonging to the system of waterworks, together with the location of all valves, fire hydrants and fire plugs connected therewith and shall keep same erected to date.

(c) The following rules governing the use of City water are hereby adopted:

1. The material used for service pipe must conform to the standard required by the provision of the Plumbing Code of the City.
2. No person shall connect water pipe or conduct water into any two distinct premises or tenements, unless separate and distinct sidewalk stopcocks and meters shall be placed for each such premises or units served; nor shall such pipe be allowed to cross lots into adjoining premises. Every service pipe must be provided with a stop and waste, so situated that the water may be shut off-to prevent its freezing.
3. Persons taking water must keep their service pipes connected with mains or supply pipes, and all fixtures connected therewith, in good repair and protected from freezing at their own expense and must prevent all unnecessary waste of water. If it shall be found that there is an unreasonable or unnecessary waste of water in any building, structure, or premises to which water is supplied from the City's waterworks system, through or by means of a leak in any water pipe located in any such building, structure, or in or on any premises, the Superintendent of Public Utilities may cause the water supply to be cut off from such building, structure, or premises unless such waste shall be stopped or shall cease within twenty-four hours after he shall have given notice to the owner, occupant, or person in possession, charge or control of such building, structure, or premises, to stop such waste.

In cases where the water supply is cut off from any building, structure, or premises on account of a neglect, failure, or refusal of any person so notified to stop such leak, the water supply shall not again be turned on until the cost and expense to the City of cutting off and again turning on such water supply shall have been paid by such owner, occupant, or person in possession, charge or control.

Persons who shall reasonably attempt to keep their service pipes connected with mains (i.e. from the meter to exterior of structure) in good repair and protected from freezing and in such condition as to prevent unnecessary waste of water and who shall suffer a water leak arising from a concealed leak from said pipes which leak was not immediately discovered or preventable upon exercise of reasonable alertness or diligence and which leak was not the fault of the occupant or owner of the premises shall be entitled to an adjustment to the water and sewer charges imposed herein for a period (a) not greater than the billing month during which the discovery of the leak is made and the period between the meter reading date for said month and the date of discovery, if the leak is discovered by comparison of water usage for said month with water usage for previous months, or (b) not greater than that part of the billing month immediately preceding discovery of the leak, if the leak is otherwise discovered. Provided, however, that such adjustment shall be made only if discovery of the leak is reported and a request for adjustment is made on or before the due date of the charges for the month during which an adjustment is sought. The charge for water and sewer services during the month that the adjustment is made shall be determined by adding the total water and sewer charges for the six months prior to adjustment and dividing that sum by six and by adding to that sum the actual costs incurred by the City for the purchase of water from Rend Lake Conservancy District for the water usage during the month of adjustment over and above the six-month average water usage; if water and sewer charges for six months prior to adjustment are not available, then the charge for water and sewer services during the month that the adjustment is made shall be determined by estimating the charges for the month of adjustment to be equal to the charges for the first month's water and sewer usage following repair of the leak and by adding to that amount the actual costs incurred by the City for the purchase of water from the Rend Lake Conservancy District for the water usage during the month of adjustment over and above the estimated monthly water usage. Adjustments for part of a month shall be made on a pro rata basis and made in accordance with the foregoing provisions. No adjustments shall be made hereunder unless and until satisfactory proof of repair of the water leak is presented to the Director of Finance or his designee. In addition, no adjustment shall be made hereunder unless and until satisfactory proof that the repair has been effected by a licensed plumber, an owner-occupant of a single-family residence, or a lessee-occupant of a single-family residence is also presented to the Finance Director or his designee. Satisfactory proof shall consist of the completed work order of a licensed plumber if applicable and a statement under oath signed by the occupant of the real estate which contains a description of the leak, the date of discovery of the leak, the name and address of the individual making the repair, the date of repair, a description of the repair, the address of the property where the repair is effected, the name of the property owner, the names of the occupants of the property, and a statement that the repair has been effected in compliance with all state and local regulations and requirements. The Finance Director or his duly designated agent shall make the determination as to whether the person requesting

an adjustment is entitled to any adjustment and, if so, the amount of the adjustment. Each person who shall request an adjustment shall be considered to have authorized the Finance Director or his duly authorized agent to inspect the premises, if necessary, to assist in the determination. If any person does not agree with the decision of the Finance Director or his duly designated agent, said person may appeal the decision to the City Manager within five (5) days of being notified of the decision regarding the adjustment; the City Manager shall then make the final decision.

4. No addition to or alteration whatever of any tap, pipe, watercock, or other fixture shall be made or caused to be made by any person except through a duly licensed plumber, and a permit first shall be obtained from the Superintendent.
5. Hydrants, taps, hose, water closets, urinals, baths, or other fixtures shall not be kept running when not in use.
6. The Mayor may at any time during an emergency, when in his judgment the public interest requires it, prohibit the use of City water for street or lawn sprinkling purposes, for washing cars or for fountains, for such time as he may deem proper. No person shall so use City water during the time for which such use shall have been so prohibited.
7. In any case where the water has been turned on without the proper application or authorization, or in any case where the water has been turned off for any reason provided in this Article and the water is found on again, or in any case where in the opinion of the City the turning off of the water on the curb stop-cock or angle stop-cock is not a sufficient protection against the further use of water, the City may take such steps as are necessary to prevent further use of the water including but not limited to the locking of the meter, the removal of the meter, the crimping of a supply pipe or disconnection at the corporation cock. Upon application or re-application for water service when the water has been so turned off by the City, an additional charge of not less than Fifty Dollars (\$50.00) covering all expenses of so turning off the water shall be imposed and said charge shall be recoverable from the owner of the property, the applicant for the service at the time the unauthorized water service was used, any occupant of the property or any user of the service; until payment of the charge, no water service shall be provided to the property, except upon the determination by the City that none of the persons listed above nor any person associated with the unauthorized water service is receiving any service or benefits from re-connection of the water service.
8. Where the water supply to any building, structure, or premises shall have been cut off or stopped on account of the nonpayment of water rates or on account of the violation of any of the provisions of this Article, or for any reason or cause whatsoever, where such cutting off or stopping shall have been done by the Superintendent of Public Utilities, the water shall not again be supplied to such

building, structure, or premises or permitted to be turned on therein without a permit first issued as above provided.

9. No person shall in any manner obstruct, or cause to be obstructed, the free access of any officer or employee of the Water Department to any hydrant of said system or to any stopcock, water meter, shutoff box or connection with any water main or service pipe by means of any coal, lumber, brick, building material, or by any other means, shift or device whatsoever, or refuse or prevent free access thereto by such officer or employee whenever such officer or employee shall desire access thereto. The officers, agents, and employees of the Department of Public Utilities shall have free access to all and every part of any building, structure, or premises to which water is supplied from the City's waterworks system, for the purpose of examining the water pipes, taps, and fixtures therein or thereon, whenever such examination is deemed necessary to determine whether there is occurring any waste of water or whether the provisions of this Article are being complied with.

Any person in possession, charge, or control of any such building, structure, or premises, into which any such officer or person shall desire to make entry or to have access for the purpose herein specified who shall refuse to permit such entry or access or who shall do or cause to be done any act or thing for the purpose of preventing such entry or access, shall be punished as provided herein.

10. No service shall be rendered to any premises where storm water and sanitary drainage are not separated as required by the ordinance governing sewers and sewage disposal.
11. No water shall be turned on for service in premises in which the plumbing does not comply with the Plumbing Code of the City; provided that water may be turned on for construction work in unfinished buildings, subject to the provisions of this Article.
12. It shall be unlawful for any person or persons in any manner to interfere with any main or service water pipe of the water system without first being authorized by the proper authorities of the City, and at the same time procuring a permit from the proper department of the City government, as required in the ordinances of the City or any that may hereafter be passed by the City concerning such matters.
13. No person shall use or distribute, or permit to be used or distributed, any water supplied directly or indirectly by the City, to any person not now being supplied directly or indirectly with water produced by the City.
14. In case of making repairs or constructing new work, the City reserves the right to shut off water without notice and keep it shut off as long as may be necessary to accomplish such purpose or by giving such reasonable notice thereof to its customers as shall be practicable.

15. All gas-fired burners connected to a water system and designed for the heating of water shall be vented into a suitable chimney, with the exception of automatically controlled appliances which use less than 5,000 BTU per hour, provided that such appliances are equipped with an effective device that will automatically shut off the gas supply to the main burner in the event the pilot flame is extinguished. All gas-fired burners vented as required above shall be equipped with suitable down draft diverter and all vent pipe joints shall be secured with metal screws.
16. All plans pertaining to utilities shall be submitted to the Technical Review Board for their review and recommendation at least 15 days before presentation to the respective commission.
17. All water mains shall be a minimum of 6" in size. Mains serving residential districts shall consist of mains at least 6" in size, arranged so they form a good gridiron. Where long lengths of pipe are necessary, 8" or larger mains should be used. Mains should be looped if feasible.
18. In new construction, 8" or larger pipe should be used where dead ends and a poor gridiron are likely to exist for a considerable time or where the layout of streets are not well adapted to a good gridiron.
19. In commercial districts, the minimum size main should be 8" in size, arranged so they form a good gridiron. Twelve inch (12") or larger mains should be used on principal streets and for all long lines that are not connected to other mains at intervals close enough for mutual support.
20. The use of dead-end 6" mains to provide fire protection shall not be allowed.
21. Fire hydrants shall be spaced a maximum of 600' apart in single family residential areas.
22. Fire hydrant spacing and requirements in multifamily, commercial or industrial areas shall be determined by an evaluation of the required fire flow for fire protection for those areas. Construction plans and data shall be submitted to the Mt. Vernon Fire Department and for review and evaluation. The evaluation shall be performed by the Fire Chief or his duly designated representative. Requirements for fire hydrant spacing shall be indicated on the subject plans during the review and evaluation process.

The review shall include consideration of such items as type of construction, area, occupancy, number of stories, density, special hazards, accessibility, water supply, availability, and other factors. There shall be sufficient hydrants installed to provide the required fire flow around any building with no hose line exceeding 500 feet in length. The Insurance Service Office's "Guide for Determination of

Required Fire Flow", December, 1974 Edition, shall be used as the primary guideline for determination of required fire flow and for fire hydrant spacing and requirements; three copies of said Guide shall be placed on file in the office of the City Clerk of the City of Mt. Vernon.

23. Valves shall be installed at least every 1300' on arterial mains; every 500' in commercial districts and every 800' in residential districts. Valves may be required at closer intervals in specific situations.
24. Specific locations of fire hydrants shall be determined by the Fire Chief or his duly designated representative. The cost of fire hydrants and installation shall be borne by the developer.
25. Water main extensions and fire hydrant installations shall be inspected by the City during construction. Immediately upon completion, the system shall be tested, EPA approval obtained and the system placed in service at the direction of the City.
26. The Insurance Service Office Grading Schedule for Municipal Fire Protection shall be used as a primary guideline for water and fire protection.

(d) The following rules and regulations governing plumbing work in connection with the City Waterworks System are hereby adopted:

1. No person, firm, or corporation, except licensed plumbers shall make any connections to or attachments with the pipes of the water system of the City, nor make any repairs, additions to, or alterations of any tap, pipe, cock, or other fixture connected with said pipes on the outside or street side of the water meter or upon the service between the water meter and any structure or plumbing fixture except as permitted within Article 15 of the Revised Code of Ordinances; provided, however, that the foregoing shall not apply to authorized employees of the city.

Each licensed plumber making any connection to or attachment with the pipes of the water system of the City of Mt. Vernon or with any private service line shall file and keep on file the bond required by Article 15 of the Revised Code of Ordinances to the City of Mt. Vernon, Illinois in the sum of Twenty-Five Hundred Dollars (\$2,500.00) conditioned upon a full indemnity to the City of Mt. Vernon against damage to the City or to any persons to whom the City may be liable by reason of: (1) failure of the plumber to observe Ordinances of the City of Mt. Vernon relating to plumbing; (2) failure of the plumber to observe all rules and regulations established under the authority of any Ordinances of the City of Mt. Vernon relating to plumbing; (3) failure of the plumber to observe all rules and regulations established by or under the Plumber's License Law of the State of Illinois; and (4) negligence of the plumber in performing or protecting any plumbing work. Such bond shall be renewed annually or more often in the event of the impairment of the surety.

2. No connection shall be made between pipes carrying City water and pipes carrying water from another source such as a cistern, well, pond or creek.

3. Every service shall have a curb stop-cock located near the curb. All curb stop-cock used for service pipes of one and one-half inch (1 ½") waterway or less, shall be heavy brass inverted stop-cocks; all curb stop-cocks used on service pipes of two inch (2") waterway or more shall be of the gate valve type. All such stop-cocks shall be approved by the Plumbing Inspector before they shall be installed. All curb stop-cocks shall be equipped with a curb box of the extension type with an arch pattern base. A stationary operating rod shall be installed on the stop-cock. The curb box shall be set at the permanent earth grade. Adequate masonry blocking shall be provided under the stop-cock.

4. No service pipe between City water mains and the building shall be laid less than four feet (4') below the surface of the street grade or lawn. The material used for such pipe shall, in each and every case, be subject to the inspection of the Inspector of Plumbing or his agent, and if found defective or below the standard, its use will not be permitted.

All services shall be laid straight from the curb stop-cock to the building and shall be firmly bedded on solid earth. Water services shall not be backfilled until the Department has inspected the service by means of a pressure test. Water and sewer service shall not be run in the same trench, except by permission of the Department.

5. All service pipes from the City water mains to the water meter shall be of lead or type K copper, except that services larger than two inch (2") inside diameter shall be Class 150 cast iron water pipe.

Lead service pipes shall conform to the following standards:

Lead Pipe ¾ inch bore, 2 lbs. 10 oz. per lineal ft.

Lead pipe 1 inch bore, 4 lbs. 12 oz. per lineal ft.

Lead Pipe 1 ¼ inch bore, 6 lbs. 0 oz. per lineal ft.

Lead Pipe 1 ½ inch bore, 7 lbs. 4 oz. per lineal ft.

Lead Pipe 2 inch bore, 9 lbs. 8 oz. per lineal ft.

On all lead service pipe, wiped joints shall be made without exception. Service pipes shall be free of kinks or distortions which will reduce the area of the waterway.

6. No tap greater than three-fourths of an inch shall be made in any water main or distributing pipe having less than an eight inch waterway. A one inch tap may be made in any water main or distributing pipe having a waterway of eight inches or over, but no greater than a one inch tap shall be made in any main or distributing pipe; however, when a larger tap is required than is allowed to be tapped into any particular main or distributing pipe, a side-tap using a sleeve and valve may be made by the City Waterworks personnel. A curb stop-cock will also be required when such side tap is made. No feeder main having a waterway of twelve inches or larger may be tapped without special permission from the Superintendent of Public Utilities.

Multiple taps shall be at least eighteen inches apart and shall not be in the same line along the length of the main.

7. All taps in the mains or distributing pipes of the waterworks system shall be made on the side of said mains and not higher up than 22 ½ degrees above horizontal. Service pipes from said taps shall be securely blocked with masonry materials to prevent damage from earth settlement.

8. No taps less than three-quarters of an inch shall be made in any main or distributing pipe, and no service pipe shall be connected therewith of less than three-quarters of an inch waterway. All corporation cocks used for any tap on the water mains must be approved by the Department.

9. All corporation cocks installed in any water main or distribution pipe of the waterworks system of the City and all curb stop-cocks shall be attached to the service pipe by means of a wiped joint on lead services or by a flared connection on Type K copper pipe. Connections to cast iron services may be made by means of a lead joint or mechanical joint.

10. All service pipes hereafter laid in unpaved streets shall run to a point within one foot of the street edge of the sidewalk location, and in alleys to a point within one foot of the lot line; provided that the above requirement shall not apply where service pipes are laid in connection with the installation of a new water main, and in cases where service pipes are run in dirt street preparatory to paving, in which latter case the location of the curb shall be obtained from the City Engineer and the service pipe extended at least three feet inside of said curb.

11. All water meters shall be so located that they will be easily accessible to the meter reader. All outside meters shall be equipped with an extension dial and shall be enclosed in a meter pit made of masonry materials or cast iron, not less than thirty-six inches in diameter and approved by the Superintendent of Public Works.

12. No plumber shall, after making any connection with the street mains, or after making repairs or putting in any new attachment, leave the stop-cock open and the water turned on in the premises unless a meter is set or a permit has been issued by the City to use the water. A permit will be issued by the City to use water when the plumbing or building contractor has agreed to pay a fee of five dollars (\$5.00) per day or part thereof when water is used to settle ditches, earth around foundations, etc. The meter may be set and water used through the meter in lieu of the above charges.

13. All new services shall be provided with new meters. All new services constructed shall serve one and only one residence or place of business. All water meters shall be approved by the Water Department. All discontinued services shall be shut off at and disconnected from the main.

14. No residence or place of business will be allowed a water service unless there is a water main or distributing pipe in the street or alley adjacent to the property to be served. Said

water main or distributing pipe shall be of four inch (4") size or larger in the case of existing mains, and no water main construction will be allowed of less than six inches (6") in size.

15. Any plumber or other person violating any of the rules contained in this Section shall for such offense forfeit and pay as a penalty any sum not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) and be liable in damages to any person for injuries resulting from the violation of said rules. For any injury or damage to said waterworks or fixtures caused by the carelessness, neglect, or want of skill in any plumber or plumbers or his or their employees, he or they shall be liable to an action on his or their bond for the damages sustained by said City by reason of the breach or breaches of the condition of said bond.

16. No physical connection shall be permitted between the piping of the municipal water supply system of said City, either within or outside any building or structure or upon public or private property wherein any water derived from any source other than said municipal water supply or any water derived from said municipal water supply and theretofore used or stored, may be forced, drawn, siphoned or otherwise taken into said municipal water supply system, either directly or indirectly or through the manipulation of valves, stops, pipes, or fixtures or because of ineffective check or back pressure valves; or in any other manner whatsoever. This Article shall not be construed to apply to the discharge of water derived from said municipal water supply system into an elevated tank cistern, or suction well at an elevation above the high water line of any such elevated tank, system or suction well.

17. Any Master Plumber who shall neglect, refuse, or fail to make good any defects or faults discovered in his work shall not be permitted to do any further or additional work until the defects or faults so discovered have been made good in a manner satisfactory to the Superintendent.

(e) Whenever the property owner or owners of a tract or tracts of land, seventy-five percent (75%) of which are improved, signify their intention of using City water service, and if such tracts are not within the corporate limits of the city, but subject to lawful annexation, their intention to annex said tract or tracts, and further signify their desire to install extensions of City water mains at their own cost, on a cash basis, they may submit to the City Council an application requesting that the City ascertain the probable cost and feasibility thereof. Upon submission of such application to the City Council, the City Manager, City Engineer, and Superintendent of Public Works shall investigate the proposed extension and advise the Council of the estimated probable cost thereof, the feasibility thereof, the recommended manner of construction and payment thereof, and whether or not in their opinion, such extension is in the public interest. The Council may thereupon authorize such extension upon the terms and conditions, which, in their opinion, shall promote the public welfare, provided that at least seventy-five percent of all such tracts are improved by water-using structures.

(f) All permanent water services hereafter installed, whether for domestic or commercial purposes, shall be metered. If the meter is set within the building, it must be attached to the service pipe immediately after such pipe has entered the wall of the building. The meter may be placed outside of the building in a suitable pit to be located at the curb or at some other

suitable location, if approved by the Director of Public Works. All water meters shall be purchased from the Water Department at cost.

When a water meter is damaged in any premises by freezing or by hot water backing through the meter or by other physical injury, the consumer shall be required to pay the cost of repairs and labor. Any municipal water meter shall be taken out and tested upon complaint of the consumer, upon payment of a fee of Twenty-five Dollars. If upon test, the meter is not within three percent (3%) of being accurate, it shall be repaired or replaced and the Twenty-five Dollar fee returned to the consumer. Every meter shall have a shut-off valve at the inlet side, and every meter larger than one (1) inch in size shall be followed immediately by a shut-off valve.

All persons using water for any purpose, including sprinkling lawns and yards, will be required to have their piping so arranged that water used for any such purposes will be measured through their meters. All meters shall be sealed. No person shall break or cause to be broken, the seal on any water meter, unless authorized to do so by the Superintendent of Public Utilities.

(g) No person or persons other than the members of the Fire Department of the City for the uses and purposes of said Department, and those duly authorized by the Code of the City, shall open any of the hydrants of the waterworks system or attempt to take water therefrom or in any manner interfere with or injure any of said hydrants, except as follows:

1. The Rural Township Fire Department may be permitted to fill their vehicular tanks at the hydrants specified by the Superintendent of Public Works. The Superintendent shall collect an annual fee of Thirty-five Dollars (\$35.00) for the establishment maintenance, or use of any fire hydrant located outside the corporate limits of the City, and there is hereby created and levied such annual charge of \$35.00 per hydrant.
2. The General Foreman of the Water Department shall instruct the person or persons designated by the Superintendent of Public Utilities in the proper use and procedure in using hydrants and water in the Public Works Department for their necessary work and that the said General Foreman of the Water Department shall instruct all persons that no water shall be drawn from any hydrant, nor shall any person operate any hydrant other than the firemen, except those designated by the Superintendent of Public Utilities.
3. No person, firm or corporation not coming within paragraph 2 shall use any hydrants without first securing permission from the Fire Chief.
4. It shall not be lawful for anyone to possess hydrant wrenches and the Fire Chief shall collect all hydrant wrenches wherever found from any and all persons and shall issue approved type wrenches to those parties entitled to the said wrenches. Said wrenches shall at all times be under the custody of the Fire Chief.

(h) Each applicant for a new service shall pay a connection charge for tapping or

connecting to the City water main in the amount of \$300.00 per tap-on or connection. In addition, commercial, multi-family, and industrial applicants and residential applicants desiring a meter larger than 5/8 inch shall pay a charge for the water meter of the necessary size for water service from the City of Mt. Vernon equal to the purchase price of the City for said meter. The applicant shall have the meter installed at the expense of the applicant by a licensed plumber bonded with the City, which installation shall be subject to inspection by an authorized representative of the City prior to the City's furnishing water. There shall be a \$25.00 inspection fee for single-residential connections and a \$50.00 inspection fee for multi-family connections, commercial connections and industrial connections. Relocation of an existing service shall not constitute a new service, and no tap-on or connection fee shall be payable; although the meter fee (if a new meter is installed) and the inspection fee shall be payable.

Each applicant for a new water service which taps or connects to a water main extension constructed hereunder shall also pay an extension connection charge for tapping or connecting to the water main. The extension connection charge shall be computed by multiplying the charge per lineal foot times the lineal front feet of the applicant's real estate upon the extension. The charge per lineal foot shall be determined by dividing the total cost of construction for the extension by the total lineal footage of the extension (or by twice the lineal footage, if the extension may serve property on either side).

The City may extend water mains adjacent to previously unserved property and may collect the above extension connection charge from the owner of the previously unserved property upon said owner's requesting water service for the property. The City of Mt. Vernon may also enter into a written agreement with landowners (for the extension by the landowners) of water mains adjacent to previously unserved land owned by a third party in order to serve the landowner's property; said agreements may provide that the City will collect the extension connection charge upon the third party's requesting water service for his property fronting on the extension constructed by the landowner and provided that the City will pay the charge collected to the landowner, provided, however, that no agreement shall be executed unless the landowner provides a verified and itemized statement of the construction costs, a plat or description of the extension constructed by the landowner, and an accurate record of the ownership of each property adjacent to the extension.

Before any new connection is made, the customer shall deposit with the City a sum equal to the connection charge, inspection fees, the extension connection charge described above if any, and any meter deposit which may now or hereafter be required by appropriate Ordinance of the City. After depositing such sum, service may then be installed.

The connection charges and extension connection charges above set forth are only for the privilege of making connections to new water mains or to tapping onto existing mains and do not include any costs of excavation and installation of buildings, main services, or other costs of bringing water from the connection or tap to the structure served.

Immediately upon connection or tapping, the liability of the applicant for water charges shall commence, whether the applicant shall then be receiving water or not. An applicant shall

not be excused from payment of monthly water charges but shall be charged at least the minimum amount even though he shall choose not to receive water immediately.

(i) Rates and charges for the use and service of the water system of the City of Mt. Vernon are hereby established as follows:

<u>Consumption</u>	<u>Rates</u>
First 2,000 gallons	\$13.93 minimum charge
Next 2,000 gallons	\$9.38 per 1,000 gallons
Next 11,000 gallons	\$8.38 per 1,000 gallons
Next 35,000 gallons	\$7.77 per 1,000 gallons
Next 50,000 gallons	\$6.17 per 1,000 gallons
Next 100,000 gallons	\$5.20 per 1,000 gallons
Next 300,000 gallons	\$4.57 per 1,000 gallons
Over 500,000 gallons	\$3.87 per 1,000 gallons

The cost for use of City water shall be ascertained according to the amount of water used during each billing period. The rates for water service in no case shall be less than the monthly minimum bill set forth above.

The rate for bulk sales of water not made through metered sources to one purchaser shall be 25¢ per 28.77 gallons.

Whenever water is supplied to premises outside of the corporate limits of the City, the rates charged shall be a minimum of \$25.11 for the first 2,000 gallons and thereafter shall be 130% times the rates above set forth for residential use.

Each of the foregoing rates established above shall be increased annually by 2% each year, effective on November 1 of each year beginning 2017. The proceeds from the 2% rate increase effective on November 1, 2016 (which increase is reflected within the above rates) and each 2% annual increase thereafter (as enacted by Ordinance 2016-27) shall be expended solely for capital construction projects or for capital equipment purchases for the Public Utility Department.

The proceeds from the 3% rate increase effective on May 1, 2009 enacted by Ordinance 2009-14 and all proceeds from each increase effective November 1 of 2009, 2010, 2011, and 2012 enacted by Ordinance 2009-30 shall continue to be expended solely for capital construction projects or for capital equipment purchases for the Public Utility Department.

In the event that any charge for water service shall not be paid within sixteen (16) days of the rendition of the bill statement therefor, there shall be added to such charge 10% of the amount thereof as computed on the above rates as a penalty for late payment.

During the construction of any building and before any water is installed as is hereby provided, the contractor so constructing such building may be permitted to use the City water supply by making application therefor and paying the fee prescribed by the Superintendent of Public Utilities.

In addition to a meter deposit, all customers shall pay a hook-up fee of \$25.00 per hook-up prior to any water service being provided to said customer; provided, however, that said hook-up fee shall not be required to be paid under the following circumstances: (a) annual re-connection of service for a summer or other seasonal home; (b) a change only in the name of the applicant for a water service account; and (c) a temporary service not to exceed 5 calendar days, provided a disconnect request is executed at the time of re-connection.

The City of Mt. Vernon shall review the user charges annually and shall revise them periodically to reflect water purchase costs, operation costs, and maintenance costs.

(j) All water meters shall be read monthly unless circumstances prevent otherwise, in which case water usage shall be estimated based upon prior usage. Notice shall be sent to the property on which the meter is located, unless other directions are given. Said notice shall state the amount of payment due, the previous reading and the gallons used. All bills shall be due and payable on the date stated on the bill; and, if unpaid on said date, said bill shall be delinquent. Upon any sewer or water bill becoming delinquent, all charges for water, sewer or garbage services which have billed or other charges associated therewith shall be immediately due and payable notwithstanding any other provisions herein. Payment must be actually received by the City prior to the due date; deposit if payment in the U.S. mails does not constitute payment until actually received by the City.

All bills shall be rendered at the rates hereinabove fixed. Failure to receive the monthly bill shall not be an excuse for nonpayment of the bill. In all cases in which a meter fails to work for all or any part of the month, the payment for said month in which the meter failed shall be an amount estimated from the records of the office of the Superintendent of Public Utilities of past usage for the same period in other years.

(k) No City water shall be supplied to any premises except upon the application of the owner, the lessee, or occupant of the premises; and proof of ownership, tenancy, or occupancy may be required by the City before service is provided. No City water shall be supplied to any premises upon any application submitted after January 1, 1987, unless the premises shall have its street address properly posted upon the premises in a conspicuous place so that the address is in plain view and is clearly visible from the street. No City water shall be supplied to any premises occupied by any person who is in default as to any water, sewer, or garbage collection charges due the City regardless of whether said person is the applicant, nor shall any City water be supplied to any premises upon the application of any applicant who is in default as to any water, sewer, or garbage collection charges due the City no matter at which premises said default occurred, until such applicant has paid such back water charges, and garbage collection charges in full, including all charges and penalties.

The City shall be under no obligation to furnish or to continue to furnish water to any applicant who is in default as to any water, sewer or garbage collection charges due the City no matter at which premises said default occurred, nor to any premises occupied by any person who

is in default as to any water, sewer or garbage collection charges due the City regardless of whether said person is the applicant, and the City at any time after said bill or bills become due shall have the full power and authority to enter any premises and to turn off, disconnect, discontinue, or otherwise terminate water service; said water service shall not be resumed until the delinquent charges and all charges billed for water service, sewer service, and garbage collection service are paid in full.

The foregoing provisions are solely for the benefit of the City and shall not constitute a defense to sewer, water, or garbage collection charges for any owner or other person jointly liable for said charges. Except for disconnection effected by the City for reason of default or other reason, only the applicant in whose name service is provided or someone on his behalf may demand disconnection of service.

Whenever it is necessary for the City to disconnect water service because of nonpayment of charges, a \$25.00 reconnect fee shall be assess and paid prior to resumption of water service; said fee shall defray the costs of disconnection and reconnection of service.

(l) The applicant and the occupants of the premises receiving water service and the user of the water service of said system shall be jointly and severally liable to pay for such service on said premises; and the services shall be furnished to the premises by the City only upon the condition that the applicant, the occupant of the premises, and users of the service are jointly and severally liable therefor to the City.

City may require each applicant to provide the name and address of the owner of the property, name and address of the lessee of the property, names and addresses of all occupants of the property, and names and addresses of users of the service as well as all addresses of the applicant and each occupant during the preceding twelve (12) months.

(m) A meter deposit shall be required and collected from all new customers to insure the payment of water and sewer charges to the City of Mt. Vernon, which deposit shall be held in escrow for the purposes of paying any utility charges of that customer. The terms "new customer" shall include all persons hereafter connecting to the water or sewer system and also shall include persons who shall have had their services disconnected or terminated for any reason, including lack of payment and who shall thereafter reconnect.

The required deposits shall be in the following amount:

<u>Meter size</u>	<u>Deposit Required</u>
Residential 5/8" meter (or no meter)	\$100.00
Commercial	\$150.00
3/4" meter	\$200.00

1"	meter	\$250.00
1 ¼"	meter	\$350.00
1 ½"	meter	\$400.00
2"	meter	\$450.00
3"	meter or larger	- deposit based upon 2 ½ times the cost of one month's estimated consumption of water.

Interest shall be paid on deposit accounts commencing on the date of such deposit at the rate of 1% per annum from date of deposit, which interest shall be payable only upon termination of water and sewer service to such depositor on the balance of the deposit remaining after payment of all amounts due the City: said interest shall be computed as of the last day of the month if paid on said date or the last day of the full month preceding payment if paid otherwise. The meter deposit shall be returned to any customer who discontinues service as above set forth and who has paid all water and sewer charges and delinquent charges due and garbage collection charges as provided within Section 2.6 of the Revised Code of Ordinances. The terms of the within subsection for meter deposit shall be applied to any customer whether such customer shall be an owner or renter of the premises served. The foregoing customer shall be an owner or renter of the premises served. The foregoing provisions for meter deposits shall be subject, however, to the following exceptions:

(1) Whenever a customer shall be the owner of the property served, shall present evidence of having paid all water and sewer charges for services to the premises without being in arrears for the prior 12-month period, such customer shall be entitled to a refund of the customer deposit with accrued interest. Such refunds shall be made semi-annually on January 15 and July 15 of each year thereafter.

(2) Whenever such customer shall have established credit in the manner above described and shall request service to a new or additional location and shall present evidence of ownership of such location and of his continued payment of all water and sewer charges without arrears, no meter deposit shall be required for such new service.

In addition to a meter deposit, all customers shall pay a hook-up fee of \$25.00 per hook-up prior to any water service being provided to said customer; provided, however, that said hook-up fee shall not be required to be paid under the following circumstances: (a) annual re-connection of service for a summer or other seasonal home; (b) a change only in the name of the applicant for a water service account; and (c) a temporary service not to exceed 5 calendar days, provided a disconnect request is executed at the time of re-connection.

(n) Any person who in any manner violates, disobeys, omits, neglects, or refuses to comply

with any of the provisions of this section or with the orders and regulations issued by the department pursuant thereto shall be subjected to having the supply of water stopped at once, without preliminary notice; and no person shall turn on the supply of water to any premises from which the supply has been turned off by the City except as authorized by the Superintendent of Public Utilities or the Finance Director or a designee of either and payment of the turn-off and turn-on charges prescribed herein. This remedy shall be concurrent with all other remedies and penalties herein provided for the enforcement off this Section. The City of Mt. Vernon shall be entitled to recover all costs including reasonable attorney fees incurred by the City in effecting or defending the remedy herein provided.

(o) In the event charges, including penalty charges, for water service or sewer service are not paid on or before the due date of the bill for such services, such charges shall be deemed and are hereby declared to be delinquent. Thereafter such delinquent charges shall constitute a lien upon the real estate for which such water and sewer services are supplied regardless of whether such service has been supplied upon the application of the owner, and occupant or other user; provided, however, that the owner of the real estate shall have no personal liability for the delinquent charges unless said owner was also the applicant for or user of the services giving rise to the charges. The Superintendent of Public Utilities or the Finance Director or a designee of either is hereby authorized and directed to file a sworn statement showing such delinquencies and claiming such herein in the office of the Recorder of Deeds of Jefferson County, Illinois, after first giving seven (7) days' notice by regular mail of such delinquency to the owner and occupant of said real estate. This statement shall contain the legal description of the premises served, the amount of unpaid bill, and a notice that the City claims a lien for this amount, as well as for all charges for water and sewer service subsequent to the period covered by the bill; that the lien for water service and sewer service against the premises upon or for which water furnished by the City is used or supplied shall be enforced and foreclosed by a suit in Chancery in the Circuit Court of Jefferson County, Illinois according to the rules and practice of said court; and that the City shall recover all costs including the reasonable attorney fees incurred by the City in preparing, filing, and foreclosing the lien.

Said lien may also be enforced and foreclosed by intervention in any suit already commenced in said Court or any other Court, whenever said intervention is proper under law. Whenever the City is made a defendant in any suit in account of any lien, it shall have for the furnishing of water full power to enforce its said lien in said proceedings.

The method herein provided for enforcing and foreclosing the lien for water and sewer service charges shall not be considered as excluding any other remedy or any other method of collecting said water and sewer service charges but shall be concurrent with all other remedies and methods. The City shall recover all costs including reasonable attorney fees incurred by the City in effecting collection for water and sewer service charges or incurred by the City in effecting or defending any remedy.

## **SECTION 16.7            REGULATIONS FOR SEWER SYSTEM**

(a) Unless the context specifically indicates otherwise, the meaning of terms used shall be as

follows:

“Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

“Inspector” shall mean the Superintendent of Sewers of the City of Mt. Vernon, or his authorized deputy agent, or representative.

“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.

“Sewer” shall mean a pipe or conduit for carrying sewage.

“Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

“Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.

“Sanitary Sewer” shall mean a sewer which carries sewage and to which storm surface, and ground waters are not intentionally admitted.

“Storm Sewer” or “Storm Drain” shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

“Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.

“Garbage” shall mean solid wastes from the preparation, cooking, and dispensing of foods, and from the handling, storage, and sale of produce.

“Properly Shredded Garbage” shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than ½ inch in any dimension.

“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 3 feet outside the outer face of the building wall.

“Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

“B.O.D.” (denoting Biochemical Oxygen Demand), shall mean the quantity of oxygen

utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in parts per million by weight.

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

“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.

“Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

“Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

“Person” shall mean any individual, firm, company, association, society, corporation, or group.

“Shall” is mandatory; “May” is permissive.

“NPDES” means any permit or equivalent document or requirements issued by the Administrator of the U.S. Environmental Protection Agency or, where appropriate, by the Director of the Illinois Environmental Protection Agency, after enactment of the Federal Water Pollution Control Amendments of 1972 to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

“Industrial User” shall mean non-governmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (a) Division A - Agriculture, Forestry, & Fishing.
- (b) Division B - Mining
- (c) Division D - Manufacturing.
- (d) Division E - Transportation, Communications, Electric and Sanitary Services.
- (e) Division I - Services

A user in the Divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

Industries subject to Industrial Cost Recovery which discharge the equivalent of 25,000 gallons a day, or less, of sanitary wastes, are exempt from Industrial Cost. Recovery, provided that the discharges of the industry do not contain pollutants which (1) interfere with the treatment process, (2) are toxic or incompatible, or (3) contaminate or otherwise reduce the utility of the sludge production.

“Residential User” shall mean any user of the treatment works not classified as an Industrial User whose property is used solely for residential purposes and for auxiliary purposes permitted by the zoning ordinances of the City of Mt. Vernon in residential zones.

“Commercial User” shall mean any user of the treatment works not classified as an Industrial User or a Residential User.

“Debt Service Charge” shall mean the amount to be paid each billing period for payment of interest, principal, and coverage outstanding, and shall be assigned as per 16.7(m) hereof.

“Replacement” shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works are designed and constructed. The term “Operation and Maintenance” includes replacement.

“Sewer Service Charge” shall mean the charge per month levied upon all users of the sanitary sewer system of the City of Mt. Vernon.

“Industrial Wastes” shall mean the liquid, gaseous, or solid wastes resulting from industrial processes as distinct from segregated domestic wastes or wastes from sanitary conveniences.

“Operation and Maintenance Costs” shall mean those costs required for the normal operation and maintenance of the sewage system, but shall not include items of capital expenditure.

“Normal Domestic Sewage” shall mean sewage with a BOD-5 strength of 300 mg/l and a suspended solids strength of 350 mg/l, and which shall not contain toxic wastes, oil, grease, paint, flammables, explosives, or heavy metals.

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

(c) No person shall connect or cause to be connected any sanitary sewer, including house connections, cesspools, septic tanks, or other sanitary sewer to any storm sewer, now or hereafter constructed or maintained by the City of Mt. Vernon.

(d) 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.

(e) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, 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 or combined 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 ordinance, within 60 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

In the event that the City shall hereafter determine, and the City Council of the City of Mt. Vernon shall provide by resolution or ordinance, that capacity is not available for new sewer connections in the sewers, lift stations, and treatment plant of the City, then and in that event, connection to a public sanitary sewer of the City is not required, as provided herein, during such time as such determination shall remain in effect.

(f) Where a public sanitary or combined sewer is not available under the provisions hereof, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Inspector. The application for such a 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 Inspector. A permit and inspection fee of \$12.50 shall be paid to the City Treasurer at the time the application is filed. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Inspector. 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 Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Inspector.

The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Illinois. 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 fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet. At such time as a public sewer becomes available to a property served by a private sewage disposal system, 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. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(g) No unauthorized person shall uncover any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Inspector. 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 Inspector. A permit and inspection fee of \$25.00 shall be paid to the City Treasurer at the time the application is filed. 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. 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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Old building sewers may be used in connection with new buildings only: when they are found, on examination and test by the Inspector, to meet all requirements of this Article. The building sewer shall be cast iron soil pipe, ASTM Specification A74-42 or equal; vitrified clay sewer pipe ASTM Specification C13-44T or equal; Schedule 40 PVC ASTM Specification D-2665. Joints shall be tight and waterproof. Cast iron pipe with leaded joints may be required by the Inspector where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Inspector. The size and slope of the building sewer shall be subject to the approval of the inspector, but in no event shall the diameter be less than four (4) inches. The slope of such 4 inch pipe shall be not less than one-fourth (1/4) inch per foot. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

No building sewer shall be laid parallel to or within three (3) Feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction can be made only with properly curved pipe and fittings. In all buildings in which any building drain is too low to permit gravity to flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with ASTM Specification C-12-19, and except that no backfill shall be placed until the work has been inspected. All joints and connections shall be made gas-tight and water-tight. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead. Federal Specification QQ-L-156, not less than one inch (1") deep. Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. All joints in vitrified clay pipe or between such pipe and metals shall be made with approved hot-poured jointing material or cement mortar as specified below. Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of one hundred sixty degrees Fahrenheit (160<sup>0</sup>F.), nor soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp, or similar approved material. Cement joints shall be made by packing a closely twisted jute or oakum gasket of suitable size to fill partly the annular space between the pipes. The remaining space shall be filled and firmly compacted with mortar composed of 1 part Portland cement and 3 parts mortar sand. The material shall be mixed dry; only sufficient water shall be added to make the mixture workable. Mortar which has begun to set shall not be used or re-tempered. Lime putty or hydrated lime may be substituted to the extent of not more than 25 percent of the volume of the Portland cement that may be added. Other jointing materials and methods may be used only by approval of the Inspector.

The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is eight (8) inches in diameter, and no properly located "Y" branch is available, the owner shall, at his expense, install a "Y" branch in the public sewer at the location specified by the Inspector. Where the public sewer is greater than eight inches (8") in diameter, and no properly located "Y" is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five degrees (45<sup>0</sup>). A 45 degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, net joint shall be made, and the connection made secure and water-tight by encasement in concrete. Special fittings may be used for the connection only when approved by the Inspector.

The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative. All excavations for building sewer installation 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 satisfactorily to the City.

(h) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Inspector. Cooling water or unpolluted process waters may be discharged, upon approval of the Inspector, to a storm sewer, combined sewer or natural outlet. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor having a temperature higher than 150° F.
- (2) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, or grease.
- (3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (4) Any garbage that has not been properly shredded.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

- (6) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- (8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (10) No person shall discharge or cause to be discharged any substance which shall be in violation of the NPDES permit issued to the City, or shall otherwise violate any other Federal or State law or regulation relating to discharges to the sanitary sewer system of the City.
  - (i) Grease, oil, sand, and similar type interceptors shall be required as provided within Article 16 A of the Revised Code of Ordinances.
  - (j) The admission into the public sewers of any waters or wastes having:
    - (1) A 5-day Biochemical Oxygen Demand greater than 300 parts per million by weight, or
    - (2) containing any quantity of substances having the characteristics described in subsection (h), or
    - (3) having an average daily flow greater than 2% of the average daily sewage flow of the City

shall be subject to the review and approval of the Inspector. Where necessary in the opinion of the Inspector, the owner shall provide, at his expense, such preliminary treatment as may be necessary to, (a) reduce the Biochemical Oxygen demand to 300 parts per million and the suspended solids to 350 parts per million and the suspended solids to 350 parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits, provided for in subsection (h) or, (c) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Inspector and of the Sanitary Water Board of the State of Illinois, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by

the owner at his expense. When required by the Inspector, the owner of any property that is served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly approved by the Inspector. 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. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made herein shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole provided for herein 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.

Testing procedures provided herein shall, be consistent with the October 16, 1973, "Federal Register" 940 CFT Part 136) entitled "Guidelines Establishing Test Procedures for Analysis of Pollutants", any Federal Regulations regarding Pretreatment, and any other appropriate Federal Regulations.

No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby any industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern.

(k) 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 municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(l) The Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurements, sampling, and testing, in accordance with the provisions of this ordinance.

(m) Rates and charges for the use and service of the sewage system of the City of Mt. Vernon are hereby established as follows:

<u>Consumption</u>	<u>Rates:</u>
First 1,000 gallons	\$8.78 minimum charge
Next 1,000 gallons	\$9.72 per 1,000 gallons
Next 4,000 gallons	\$8.45 per 1,000 gallons
Next 9,000 gallons	\$7.17 per 1,000 gallons
Next 35,000 gallons	\$5.46 per 1,000 gallons

Over 50,000 gallons

\$4.62 per 1,000 gallons

Wherever sewer service is supplied to premises outside of the corporate limits of the City, the rates charged shall be a minimum of \$11.42 for the first 1,000 gallons and thereafter shall be 130% times the rates above set forth for residential use.

The foregoing gallonage compilation shall be based upon water service gallonage of the user; provided, however, that if the user does not receive city water service, the charges for the use and service of the sewage system shall be \$57.99 per month.

Each of the foregoing rates established above shall be increased annually by 2% each year, effective on November 1 of each year beginning 2017. The proceeds from the 2% rate increase effective on November 1, 2016 (which increase is reflected within the above rates) and each 2% annual increase thereafter (as enacted by Ordinance 2016-27) shall be expended solely for capital construction projects or for capital equipment purchases for the Public Utility Department.

The proceeds from the 3% rate increase effective on May 1, 2009 enacted by Ordinance 2009-14 and all proceeds from each increase effective November 1 of 2009, 2010, 2011, and 2012 enacted by Ordinance 2009-30 shall continue to be expended solely for capital construction projects or for capital equipment purchases for the Public Utility Department.

In the event that any charge for sewer service shall not be paid within sixteen (16) days of the rendition of the bill statement therefor, there shall be added to such charge 10% of the amount thereof as computed on the above rates as a penalty for late payment.

The City of Mt. Vernon shall review the user charges annually and shall revise them periodically to reflect actual treatment works operation and maintenance costs.

(n) Charges for sewer service shall be made monthly and shall be payable sixteen days after rendition. A penalty of ten percent (10%) shall be charged on all bills if not paid within sixteen (16) days of rendition as aforesaid.

The applicant for sewer service, the occupants of the premises served, and the user of the sewage system shall be jointly and severally liable to pay the sewage service charges set forth for services to said premises.

No City sewer shall be supplied to any premises except upon the application of the owner, the lessee, or occupant of the premises; and proof of ownership, tenancy, or occupancy may be required by the City before service is provided. No City sewer shall be supplied to any premises upon any application submitted after January 1, 1987, unless the premises shall have its street address properly posted upon the premises in a conspicuous place so that the address is in plain view and is visible from the street. No City sewer shall be supplied to any premises occupied by any person who is in default as to any water, sewer or garbage collection charges due the City regardless of whether said person is the applicant, nor shall any City water be supplied to any premises upon the application of any applicant who is in default as to any water, sewer, or garbage

collection charges due the City no matter at which premises said default occurred, until such applicant has paid such back water charges, sewer charges, and garbage collection charges in full, including all charges and penalties.

The City shall be under no obligation to furnish or to continue to furnish sewer to any applicant who is in default as to any water, sewer, or garbage collection charges due the City no matter at which premises said default occurred, or to any premises occupied by any person who is in default as to any water, sewer, or garbage collection charges due the City regardless of whether said person is the applicant, and the City at any time after said bill or bills become due shall have the full power and authority to enter any premises and to turn off, disconnect, discontinue or otherwise terminate sewer service; said sewer service shall not be resumed until the delinquent charges and all charges billed for water service, sewer service, and garbage collection service are paid in full.

There shall be paid by the City of Mt. Vernon from its General Revenue Fund or other revenues available to it, for the use and service of the sewerage system of the City of Mt. Vernon to the City of Mt. Vernon, user fees in the amount equal to all amounts of costs for the operation and maintenance of the sewer collection system and the wastewater treatment system for the payment of which the user fees collected from other users of the system and other income of the system shall be insufficient after the payment of all bonds and other obligations which are pledged from the revenues of the system. Rates and charges to be paid by the City of Mt. Vernon shall include all amounts required to be collected by the users of the system in order to comply with the requirements of Ordinance No. 75-38.

The foregoing provisions are solely for the benefit of the City and shall not constitute a defense to sewer, water, or garbage collection charges for any owner or other person jointly liable for said charges. Except for disconnections effected by the City for reason of default or other reason, only the applicant in whose name service is provided or someone on his behalf may demand disconnection of service.

(o) Any person who in any manner violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this section or with the orders or regulations issued by the Department pursuant thereto shall be subjected to having his sewage service terminated at once without notice, and no person shall cause sewage service to be resumed, except as authorized by the Superintendent of Public Utilities, the Finance Director, or a designee of either and upon payment of the costs of termination and resumption of service as set by the City. Such remedies shall be concurrent with all other remedies and penalties provided herein. The City of Mt. Vernon shall be entitled to recover all costs including reasonable attorney fees in effecting or defending the remedy provided herein.

(p) In the event charges, including penalties for water or sewer services, are not paid on or before the due date of the bill for such services, such charges shall be deemed and are hereby declared to be delinquent. Thereafter such delinquent charges shall constitute a lien upon the real estate for which such services are supplied, regardless of whether such service has been supplied upon the application of the owner, an occupant or other user; provided, however, that the owner of

the real estate shall have no personal liability for the delinquent charges unless said owner was also the applicant for or user of the services giving rise to the charges. The Superintendent of Public Utilities, the Finance Director, or a designee of either is hereby authorized and directed to file sworn statements showing such delinquencies and claiming such lien in the Office of the Recorder of Deeds of Jefferson County, Illinois after first giving notice of seven (7) days by regular mail of such delinquency to the owner or occupant of such real estate. The statement of claim shall contain such information as shall be required for claims for lien for water services heretofore set forth. The method herein provided for enforcing and foreclosing the lien for sewer services shall not be considered as excluding any other method or remedy for collecting such sewer charges but shall be concurrent with all other remedies and methods. The City shall recover all costs, including reasonable attorney fees incurred by the City in effecting collection for charges for sewer, water, or garbage collection services or incurred by the City in foreclosing its lien or incurred by the City in effecting or defending any remedy.

(q) All revenues derived from the operation of the sewage system shall be held separate and apart from other funds of the City in compliance with provisions of any Sewer Revenue Bonds and Ordinances of the City authorizing issuance of such bonds.

(r) Any owner, lessee, or occupant of a premises desiring sewer service from the City sewer system shall make written application therefor to the Superintendent. Any person who is not the owner of record of the premises and who applies for sewer service to said premises shall be required to pay a cash deposit as heretofore provided within Section 16.6(m).

The connection charge for tapping or connecting to a sewer mains shall be \$300.00 per dwelling unit, which sum includes a \$25.00 inspection fee referred to in Section 16.7(g) plus each applicant for a new sewer service which taps or connects to a sewer main extension constructed hereunder shall also pay an extension connection charge computed by multiplying the charge per lineal foot times the lineal front feet of the applicant's real estate upon the extension; the charge per lineal foot shall be determined by dividing the total cost of construction for the extension by the total lineal footage of the extension (or by twice the lineal footage if the extension may serve property on either side). Relocation of an existing service shall not constitute a new sewer service, and no connection charge shall be payable; although the inspection fee shall be payable.

The City may extend sewer mains adjacent to previously unserved property and may collect the above extension connection charge from the owner of the previously unserved property upon said owner's requesting sewer service for the property. The City of Mt. Vernon may also enter into written agreements with landowners for the extension by the landowner of sewer mains adjacent to previously unserved land owned by a third party in order to serve the landowner's property; said agreements may provide that the City will collect the above described lineal foot extension connection charge upon the third party's requesting water service for his property fronting on the privately developed main extension and provided that the City will pay the lineal foot extension connection charge collected to the landowner, provided however that no agreement shall be executed unless the landowner provides a verified and itemized statement of the construction costs, a plat or description of the extension constructed, and an accurate record of the ownership of each property adjacent to the extension.

The term, "dwelling unit" shall be defined to mean each premises served by a service main from a single tap, plus each separate living unit within an apartment, duplex, or other multiple occupancy building, but as to hotels and motels only, the term "dwelling unit" shall be defined to mean each three motel or hotel rooms. The same connection charges shall be made for each other tap or connection to a sewer for separate office, commercial, or industrial uses. The same connection charges shall be made for each restaurant, lounge, or other separate commercial use at any hotel or motel. Before any new connection is made, the customer shall deposit with the Department a sum equal to the connection charges plus any customer deposit which may now or hereafter be required by any Ordinance of the City. After the deposit of any such sum, the services may then be installed.

(s) Omitted

(t) 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 in Section 16.7(h) of this ordinance, and which, in the judgment of the Inspector, 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 Inspector may:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (3) Require control over the quantities and rates of discharge and/or,
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the following provisions:

In the event that any person shall discharge or cause to be discharged into the sanitary sewers any wastes containing over 300 parts per million BOD-5 or 250 parts per million suspended solids content, then that person shall pay to the City the following surcharges, over and above the regular sewer rates as set forth in Section 16.7(m):

- (1) For each pound of BOD-5 in excess of that amount which would be contained in sewage with a BOD-5 strength of 300 mg/l, a surcharge rate per excess pound of BOD-5 as determined by the City Council, which rate shall be reviewed as often as needed; as of December 1, 2017, the surcharge rate is \$1.25 per excess pound. The surcharge rate shall be due and payable on such dates as determined by the City Manager.
- (2) For each pound of Suspended Solids in excess of that amount which would be contained in sewage with a Suspended Solids strength of 250 mg/l, a surcharge rate per excess pound of Suspended Solids as determined by the City Council, which rate shall be reviewed as often as needed; as of December 1, 2017, the surcharge rate is \$1.25 per excess pound. The

surcharge rate shall be due and payable on such dates as determined by the City Manager.

(u) **Industrial Cost Recovery.** (No Grant outstanding as of December 1, 2017)

(a) **Industrial Cost Recovery Required:** Each industrial user shall pay that portion of any Federal Grant which has been obtained by the City for the financing of the construction of wastewater treatment works allocable to the treatment of the wastewater from such user. Such user's share shall not include an interest component.

(b) **Determination of Industrial Cost Recovery:** An Industrial user's portion of any Federal Grant shall be based on the loadings attributable to wastewater of such user tributary of the wastewater treatment works of the City.

(c) **Cost for Industrial User:** The costs to be recovered for an industrial user anywhere within the service area of the City, shall be determined as follows:

(1) For normal strength wastewater (ie: BOD-5 equal to or less than 300 mg/l) and/or suspended solids equal to or less than 250 mg/l an amount for each 1,000 gallons as determined by the City Council.

(2) For extra strength wastewater (ie: BOD-5 greater than 300 mg/l and/or suspended solids greater than 250 mg/l) a surcharge, in addition to (c) (1) above, shall be charged for each pound of BOD-5 introduced into the sanitary sewer system in excess of the amount contained at BOD-5 = 300 mg/l at a rate as determined by the City Council and, for each pound of suspended solids introduced into the sanitary sewer system in excess of the amount contained at SS = 250 mg/l at a rate as determined by the City Council.

(d) **Charge for Industrial Cost Recovery:** Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay the cost recover amount determined for each industry, divided by the recovery period. Where an industry is connected to a public sewer after the start-up of the facilities constructed under a Federal Grant for each quarter remaining in the recovery period, such industry will not be required to pay for those quarters of the recovery period for connection to a public sewer.

(e) **Length of Industrial Cost Recovery Period:** The industrial cost recovery period shall be equal to the useful life of the sewers or treatment works, which shall be 30 years from the beginning of full use of the facility.

(f) **Payments and Billing Periods for Industrial Cost Recovery:** For the purpose of industrial cost recovery, the year shall be divided into quarterly periods, said periods to begin on the first day of July, October, January, and March, and all industrial users of the City of Mt. Vernon shall pay the cost as determined for industrial cost recovery and such payment shall be made quarterly on the

fifteenth day of the month immediately following the expiration of the quarterly period for which service has been supplied, and such charge shall be payable within ten (10) days after rendition thereof, and in the event such bills are not paid within said ten (10) days, a service charge of ten percent (.10010) shall be added thereto.

(g) Delinquency and Termination of Service: In the event the charges for industrial cost recovery are not paid within ten days after the rendition of that bill, then such service charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquent charge shall constitute a lien upon the real estate for which such sewer services were supplied. The City Clerk is hereby authorized and directed each quarter to file sworn statements showing such delinquencies in the Office of the Recorder of Deeds of Jefferson County, Illinois, and the filing of such statements shall be deemed notice of a lien for the payment of such charges for sewer service. If the delinquency in the payment of the recovery cost continues for a period of more than sixty (60) days, the sewer service shall be discontinued.

(h) Time of First Payment: The initial payment made by an industrial user which is connected to a public sewer after the start-up of the treatment works or sewer line constructed with a Federal Grant, shall be made by the next scheduled due date as defined above and shall be equal to one-quarter of the amount due.

(i) Adjustment of Charge Due to Plant Improvement Utilizing Federal Grant Funds: If there is an expansion or upgrading of the treatment works utilizing a Federal Grant, each existing industrial user's share shall be adjusted accordingly.

(j) No Charge for Unused or Unreserved Capacity: An Industrial user's portion of any Federal Grant shall not include any portion of the grant amount allocable to unused or reserved capacity.

(k) Commitment for Increased Use: An industrial user's portion of any Federal Grant shall include allowance for the cost of any firm commitment to the City of Mt. Vernon for any increased use by such user.

(l) Payment to United States of America Required: The City of Mt. Vernon shall retain fifty percent (50%) of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the Treasury of the United States Anti-Pollution Fund on an annual basis.

(m) Disposition of Retained Amounts: Eighty percent (80%) of the retained amounts together with interest earned thereon, shall be used solely for the eligible cost of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Federal Act and the State of Illinois.

The City of Mt. Vernon, prior to commitment of the retained amounts, shall obtain written approval of the Federal Environmental Protection Agency for any expansion or reconstruction.

The remainder of the retained amounts may be used for such expenditures as the City deems appropriate.

(n) Investment of Retained Amounts Required: Pending use, the grantee shall invest the retained amounts for reconstruction and expansion in (1) obligations of the U.S. Government, or (2) obligation guaranteed as to principal and interest by the U.S. Government or any agency thereof, or (3) shall deposit such amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U. S. Government or any agency thereof.

(o) City Clerk's Responsibility: The City Clerk shall maintain the necessary records for determination of user share of the cost and shall provide the billing and collection services.

(p) City Treasurer's Responsibility: The City Treasurer shall be responsible for the investment and expenditure of all monies collected for industrial cost recovery.

(q) Monitoring Required: The City Council shall maintain a program of monitoring industrial user discharges as the City Council deems necessary, provided that any major contributing industry shall be monitored no less than twelve (12) times annually. All other industrial users shall be monitored at such frequency as deemed necessary by the City Council for determination of the population equivalent of the industrial user. The monitoring data collected shall be used to determine industrial cost recovery surcharge.

Any person found to be violating any provision of this Section shall be served by the City of Mt. Vernon with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person violating any of the provisions of this Section shall become liable to the City of Mt. Vernon for any expense, loss, or damage occasioned the City of Mt. Vernon by reason of such violation.

## **SECTION 16.8      REGULATIONS FOR JAYCEE LAKE AND MILLER LAKE**

### **(a) Definitions**

“Reservoir” means the artificial lake and water impounded therein by means of a public water supply dam, known as Jaycee Lake generally situated over parts of Sections Five and Eight of Township Two South, Range Three East of the Third Principal Meridian, Jefferson County, Illinois, and/or the artificial lake and water impounded therein by means of a public water supply dam, known as Lake Miller situated over parts of Sections Twenty-eight, Twenty-nine, Thirty-two, and Thirty-three of Township One South, Range Three East of the Third Principal Meridian, Jefferson County, Illinois, and any structure or structures heretofore or hereafter

constructed within the limits of the herein defined drainage area which is used, or for use as water supply for the City.

“City” shall mean City of Mt. Vernon, Illinois.

“Drainage Area” means the entire area of land and water that drains into the reservoir.

“Water Course” means any stream, natural or artificial, channel, spring, or depression of any kind in which water flows continually or intermittently over any part of the drainage area directly or indirectly into any part of the reservoir.

“Intake” means the place where the water supply for the City is taken from the reservoir.

“Water Line” for Jaycee Lake means the contour known as 491.00 feet above sea level according to United States Government elevation as obtained from the bench mark established in Mt. Vernon, Illinois in the Post Office therein.

“Water Line” for Lake Miller means the contour known as 520.00 feet above sea level according to United States Government elevation as obtained from the bench mark established in Mt. Vernon, Illinois in the Post Office therein.

“Shore Line” means the extended point where the plane of the surface of the reservoir touches the land.

“Marginal Land” means the land owned or controlled by the City adjacent to the shore line and not flooded by the waters of the reservoir.

“Custodian” refers to any lease from the City of any marginal land for cottage or other purpose.

**(b) Regulations**

All provisions of this Section, except where expressly otherwise provided, shall apply to Jaycee Lake reservoir and Lake Miller reservoir and the marginal lands adjacent thereto.

(A) No building or structure, whether for habitation or otherwise, including but not limited to any dock, shall be constructed, altered or maintained within the waterline of the reservoir, unless a permit in writing therefor based upon a written application setting forth the location, specifications and intended use thereof, shall be granted by the City of Mt. Vernon.

(B) No person not an authorized employee of the City shall make any connection with, uncover, alter or disturb any raw water pipe or main, or any filtered water line or main, conduit, electric wire or line, sewer or other utility constructed or maintained by the City and between the reservoir dam and said City limits, or open any manhole, intercepting chamber of any appurtenance thereof without first obtaining a written permit from the City based upon a written

application setting forth the location and nature of the work to be done, together with a description thereof or copy of plans or specifications therefore of the contemplated connection or alteration and a depositing with the City such a sum of money as the City shall estimate will fully cover all damage of any kind which may be caused by the connection or alteration or filing an appropriate bond, guaranteeing restoration, in form, amount and with surety, as approved by the City, if requested by the City to do so.

After said alteration or connection has been completed, the City Engineer shall be notified in writing and allowed to inspect the work done and thereafter the sewer, water pipe or main, conduit, electric wire or line, manhole or intercepting chamber shall be immediately restored to as good a state or condition as prior to the doing of said work, to the satisfaction of the City or by the City, as the City may elect. If the completion of the restoration be without expense to the City and to its satisfaction, the sum deposited shall be refunded but if any of the work be done by it, the City shall certify the actual expense incurred and shall refund to the holder of the permit the difference, if any, between the amount deposited and the amount certified; in the event the amount so certified shall be in excess of said deposit, the holder of the permit shall immediately pay said excess to the City.

(C) No person shall place, throw, discharge or cause to be discharged, any sewage, garbage, waste, saltwater, oil, oil and gas well products, or other polluting substance into the reservoir or into any natural or artificial watercourse or open or covered sewer, ditch, tile or drain flowing directly or indirectly, continuously or intermittently, into the reservoir; no person shall construct any open or covered sewer ditch, tile or drain or make any change therein or connected therewith so as to cause any pollution or polluting substance to flow into or reach more quickly, the reservoir.

(D) No person shall cause or permit any domestic livestock or poultry to run at large upon the reservoir or marginal lands of another. Any livestock or poultry found at large may be taken up by the City and sold to pay the expense of taking, keeping, advertising and selling such livestock or poultry, and to pay all damage incurred by the City of its property by such livestock or poultry. No livestock, animal or poultry shall be allowed to stand, wallow, wade, or swim or be washed or watered in the reservoir.

(E) No person shall upon the reservoir or upon any marginal land by violent or tumultuous or obstreperous conduct or by loud and unusual noises disturb the peace nor shall any person upon the reservoir or any marginal land use profane, obscene or offensive language calculated to provoke a breach of the peace, nor shall any person assault, strike or fight with another, with or without his consent, or permit any such condition in or upon any premises upon the marginal land leased, possessed or controlled by him.

(F) No clothing, bedding, carpet, vehicle, receptacle, utensil or article that tends to pollute the water shall be washed in the reservoir.

(G) No person shall wilfully, maliciously or negligently break, deface, injure, or destroy any property upon the reservoir or the marginal land, whether such property is owned by

the State, County, City, or other governmental body or owned by any private person firm, or other association. No person upon the reservoir or upon the marginal lands shall throw or cast any stone or missile upon any public property or upon private property of another or at any other person.

(H) No person shall enter into or upon any lot or parcel of ground which has situated thereon any building or structure or which is occupied for residential purposes, and while on such lot or parcel of ground look into any door, window or aperture in such building or structure without the consent of the owner, lessee or occupant thereof. No person shall intrude or enter upon the enclosed premises of another or wilfully or needlessly walk, ride, or drive upon any lawn, grass plot, flower garden or other property of another without the consent of the owner, lessee or occupant.

No person shall enter into or upon any lot or parcel of ground nor upon any marginal land without the permission of the owner, lessee, or person in control of said land. No person shall intrude or enter upon any dock, boathouse, or boat of another without the consent of the owner thereof. No person shall fasten any trot line, any boat or other item to any dock, structure, post, tree or other item owned or leased by another or upon the property owned or leased by another without the consent of the owner or lessee. No person shall place any trot line, throw line or similar device within 25 feet of the shoreline of the reservoir; provided nothing herein shall prohibit an owner or lessee and their permitted guests from fishing with a pole or poles from a dock or from land adjacent to the shoreline owned or leased by him.

(I) No person shall knowingly or intentionally appear nude or in a state of nudity in a public place, all as defined within Section 12.6 of the Revised Code of Ordinances.

(J) No person shall place or maintain upon the reservoir any houseboat or water craft with sleeping accommodations or water craft constructed, occupied or intended for use as a temporary or permanent residence. No person shall permit or allow or use any boat, vessel, or other floating device, except for a water craft as defined and licensed by the State of Illinois; in addition, paddle boats are permitted; inner tubes, air mattresses, and similar devices are prohibited. No person shall permit or allow or engage in the use of or racing of model boats or similar devices of any type upon any portion of the reservoir. Boating of any kind or character is prohibited in the reservoir at the spillway and within 50 feet thereof.

(K) No person shall stock or place any fish or other aquatic life and within the reservoir, except commercially purchased minnows for fishing and except fish first caught from said reservoir which are being returned to the reservoir and except as permitted by resolution of the City Council or as permitted within any license or lease granted by the City Council.

(L) No person shall use the marginal land, except pursuant to a lease or license authorized by the City Council; use of marginal land shall be in strict conformance with any applicable lease or license.

(M) No person shall allow or engage in the racing of water craft or in the careless or

reckless operation of any boat or water craft upon the reservoir.

(N) No person shall permit or allow or engage in any ice skating, ice cutting, ice fishing, or other ice activities upon the reservoir, except as permitted within a license or lease granted by City Council; nor shall any person allow or operate any snowmobile, off-road vehicle or any vehicle or device upon any iced over portion of the reservoir.

(O) No person shall permit or allow or engage in any hunting; nor shall any person, except a law enforcement officer in the performance of his duties, discharge any rifle, shotgun, pistol or other firearm, unless permitted by resolution of the City Council or unless otherwise permitted in writing by the City Council.

(P) No person shall use or permit or allow use of the reservoir or of any marginal land for any business, commercial, industrial, agricultural, or irrigation purpose. Watering of lawns and gardens, use of the reservoir as a private domestic water source, and similar restricted residential use of the reservoir is permissible pursuant to a duly authorized lease or license, unless otherwise restricted or prohibited by City. Nothing herein shall prohibit the current licensee, Mt. Vernon Gun and Sportsmens Club, from leasing boats not to exceed ten (10) in number to its members nor from charging its members a fee for use of its camping facilities or from charging its members a membership fee.

(Q) No person under 10-years of age may operate any boat or craft. Persons at least 10-years of age and less than 12-years of age may operate a boat or craft only if they are accompanied on the boat or craft and under the direct control of a parent or guardian or person at least 18-years of age designated by a parent or guardian. Persons at least 12-years of age and less than 18-years of age may operate a boat or craft only if they are accompanied on the boat or craft and under the direct control of a parent or guardian or a person at least 18-years of age designated by a parent or guardian or if such person between the ages of 12 and 18 is in possession of a boating safety certificate issued by the Department of Natural Resources, Division of Law Enforcement, authorizing the holder to operate motorboats. Violations of this subparagraph done with the knowledge of a parent or guardian shall be deemed a violation by the parent or guardian.

(R) No person shall operate or place upon the reservoir any boat or craft larger than 20-feet in centerline length, except a pontoon boat may be 24-feet in length; provided that any lessee of marginal land or owner of real estate immediately adjacent to the waterline of the reservoir may place upon the reservoir a pontoon boat not to exceed 28-feet in length if the certificate of title for said pontoon boat evidences that said lessee or owner owned the pontoon boat prior to the effective date of this Ordinance.

(S) No person shall operate, or cause to be operated, any boat or craft equipped with a motor or internal combustion engine, regardless of whether such motor or engine be temporarily or permanently attached to said boat or craft, on any of the waters of the reservoir, unless such motor or engine is equipped with an efficient muffler, in good working order and constant operation so as to prevent excessive noise and annoying smoke. No outboard motor or internal combustion engine shall be deemed equipped with an efficient muffler, unless the exhaust gases

are discharged under water or are muffled as to be not noisier or more annoying than an internal combustion engine of like power equipped with an underwater exhaust.

(T) No person shall use on any boat or craft on the waters of the reservoir with a muffler cut-out or any device whatsoever that operate to discharge exhaust gases or any motor or engine without such gases passing through an efficient muffler.

(U) No person shall operate any boat or craft at a speed greater than thirty-five (35) miles per hour between the hours of sunrise and sunset upon Jaycee Lake reservoir nor greater than twenty-five miles per hour between the hours of sunrise and sunset upon Lake Miller Reservoir. No person shall operate any boat or craft at a speed greater than five miles per hour between the hour of sunset and sunrise. The speed limit at the spillway and boat ramp and within 100 feet of each shall be 5 mph at all times. No boat or craft shall be operated at a speed that creates a wake within any area marked with a buoy and designated as a no-wake area. Any cove marked with a buoy at its entrance shall be a no wake area; other no wake areas may be designated and marked by the City Manager.

(V) No boat or craft of any kind or character shall be operated on the reservoir unless it carries for each occupant an adequate life preserver (personal flotation device) for each person especially designed for that purpose; each person under the age of 13-years shall wear a life preserver when an occupant of a boat or craft when said boat or craft is underway. No person shall participate or engage in water skiing (if otherwise permitted) except when wearing an adequate life preserver, provided, however, that the City Council may from time to time upon Jaycee Lake authorize water skiing exhibitions or performances without the use of life preservers. All boats or crafts shall be equipped with all safety equipment as required by the Illinois Boating Act and approved by the U.S. Coast Guard.

(W) No person shall engage in the business of renting boats for hire or carrying passengers for hire on the reservoir, except as may be authorized by special concession granted by the City.

(X) No persons required to be licensed by the laws of Illinois now and hereafter, shall take, catch, or attempt to take or catch any species of fish, frogs or turtles without a State of Illinois Fishing License in full force and effect, issued to said person and in his possession; all persons shall strictly adhere to the Game and Fish Code of the State of Illinois and the amendments thereto; in addition, all persons shall observe and adhere to all valid fishing restrictions and regulations enacted or authorized by the City Council within this Ordinance. The privilege of fishing the reservoir or any part thereof may be suspended by the City at any time whenever such suspension shall be deemed proper to conserve aquatic life or to prevent any tendency to pollute the waters of the reservoir, or to promote the improvement or convenient maintenance, or control of said reservoir, or any part thereof. The posting of any authorized sign shall suspend the privilege of fishing at such location. All persons using the waters of the reservoir for fishing purposes shall so use the same as not to create any unsanitary condition in or about said water or so as to pollute or make any part of the waters unwholesome or unfit for use. No person shall conduct, sponsor or permit or participate in any fishing tournament or contest

upon the reservoir except as authorized by resolution or ordinance of the City Council.

(Y) Any person picnicking or making other use of the reservoir shall keep the reservoir and premises clean and neat, and shall pick up and remove in a sanitary manner all paper, garbage, rubbish and debris, and before leaving the premises and shall put out any fire by him made. No person shall deposit or place any paper, can, garbage or litter into the reservoir.

(Z) No person shall upon the reservoir or the marginal lands permit any dog owned, kept or controlled by such person to be or run at large within any street, sidewalk or other public place unless such animal shall wear a good and substantial muzzle; nor shall any person permit any cat or other animal be or run at large within any street, sidewalk or public place. No person shall allow or permit any dog, cat or any other animal owned, kept or controlled by such person to be at large and to go upon the private premises of another person. Any dog or cat found or other animal running at large may be taken up by the City and if not promptly called for may be destroyed or otherwise disposed of, all without liability on the part of any officer performing such duty, or the City. No person shall permit or allow any dangerous, fierce or ferocious dog owned, kept or controlled by such person to annoy or endanger any other person. Any dog which shall bite or injure any person or shall destroy or injure any other animal is hereby declared to be nuisance and shall be taken up and impounded. Any person who shall be the owner, keeper or in control of the dog and shall know or be notified that such dog has bitten or injured any other person so as to cause an abrasion of the skin shall deliver such dog for impoundment shall cause such dog to be chained and confined not less than two weeks. If any such dangerous, fierce or vicious dog cannot be safely taken up and impounded it shall be slain by any law enforcement or rabies control officer of the City and if any such dog having been slain shall have bitten or caused an abrasion on any person, the carcass of such dog shall be delivered to the rabies control officer.

(AA) No person shall ride, park or use any 3-wheeler, 4-wheeler, motorcycle, dirt bike, motor bike, off-road vehicle, snowmobile, or other similar motor vehicle upon any marginal land, except mowing and maintenance equipment operated by City personnel or persons specifically authorized by resolution or ordinance of the City Council; provided, however, that a motorized device (such as a wheelchair or golf cart) which is actually used solely to accommodate a physically impaired person is not prohibited. Nothing herein shall prevent use of a private drive improved as a roadway for access to marginal land or for parking, but said private drive shall not be used as a riding track or for repetitious recreational riding.

(AB) No fireworks or balloons shall be lighted or set off upon the reservoir or upon any marginal land, except as may be permitted in writing by the City Council. No fire shall be lighted or used except at such places as may be designated by the City for such purpose and except by any lessee, his family and guests on the parcel of marginal land leased to such lessee by the City.

(AC) No person shall wilfully, maliciously, or negligently cut, break, climb on, carry away, conceal, transfer, tamper with, mark upon, or in any way injure, damage, or deface the reservoir dam or any tree, shrub, plant, or any hydrant, regulating device, transformer, meter, wire, wiring, pole, or any fence, wall, bridge, railing, bench, building, or other structure of any kind or property, or take down, alter, mar, move, injure, destroy any sign, trail marker, placard, notice,

post, pile or buoy posted or placed by the City or authorized to be posted or placed by the City or drive any motor car, vehicle, boat or craft in such a manner as to cause the same to collide with, run against, strike or cause to strike, injure or deface or damage any such property, but custodians of the marginal land surrounding said reservoir may make changes and improvements as permitted in their leases from the City.

(AD) No person shall solicit alms or do anything pertaining to soliciting, peddling or hawking. The erection or maintenance of any sign or bill, poster, the posting or placing of any advertising poster, placard, or card, or the distributing of any advertising matter by handbills, or otherwise, except regulatory signs posted by City, is prohibited.

(AE) No person shall make an ascent in any balloon, aeroplane, hydroplane or any other device or any descent in any aeroplane, balloon, hydroplane or any flying device or parachute without a written permit from the City, except in a declared emergency. No person shall go upon any portion of the reservoir or marginal land where a sign or notice, posted or authorized to be posted by the City, prohibit same.

(AF) No building or structure or anything erected or constructed on the face thereof or in any way connected therewith, shall extend into, upon or over any boulevard, road or parkway unless a written application setting forth the location and specifications of the encroachment shall have been made. No person shall move any building on, along or across, or obstruct or excavate in any road unless a permit in writing therefor shall have been procured from the City, based upon a written application setting forth the dimensions of the building to be moved and its contemplated route. or the location or nature and specifications of the proposed excavations or obstructions and upon depositing with the City such a sum of money as the City shall estimate will cover all damages to the roadway, trees, shrubs, grass, lamp posts and other property and improvements upon said road, or upon filing appropriate bond to guarantee such complete restoration as requested by the City.

After said work shall have been completed, the road, grass, trees, shrubs, lamp posts and other property and improvements shall be immediately restored to their former condition by the holder of the permit to the satisfaction of the City or by the City, as the City may elect. If restoration be made without expense to the City, and to its satisfaction, the sum deposited shall be refunded, but if any of the work be done by it, the City shall certify the actual expense incurred and shall refund to the holder of the permit the difference, if any, between the amount deposited and the amount so certified by the City; in the event the amount so certified should be in excess of said amount deposited, the holder of the permit shall immediately pay such excess amount to the City.

(AG) Any walk, opening, excavation, projection or obstruction which shall be constructed, erected, placed or maintained in or upon any road, contrary to any of the provisions of any Ordinance of the City, may be filled up, removed or abated by the City at the expense and risk of the person constructing, erecting, placing or maintaining the same.

(AH) All persons shall obey all official signs and traffic signals and police officers of the

City. The display of unauthorized traffic signs and signals is prohibited.

(AI) No vehicle shall be driven except upon roadways and parking places constructed or designated by the City for such use and except by any lessee or permittee of lessee upon lands leased to said lessee.

(AJ) No vehicle shall be permitted to stand in any of the following places except when necessary to avoid conflict with other traffic or to comply with the directions of any police officer.

- a. Where parking or standing is indicated to be prohibited by an authorized sign.
- b. In any intersection or crosswalk.
- c. Upon the roadway of, or approaches to, any bridge or the impounding dam forming the reservoir.
- d. At any place where the standing and parking of a vehicle shall block the use of any walk or driveway.
- e. At any place where the standing and parking of a vehicle will tend to obstruct the flow of a single line of traffic in each direction or cause either of such lines of traffic to veer from its course in the center of the roadway.
- f. Upon any marginal land, except that a lessee or licensee or permittee of same may park upon the premises subject of his lease or license.

(AK) No person shall drive a motor vehicle upon any road or driveway at a speed greater than is reasonable and proper, having regard for the traffic and the use of the way and so as not to endanger the life, limb, or injure the property of any person. The City from time to time may designate the maximum rate of speed on all roads, based on the location, nature and amount of traffic on the same and shall erect suitable signs indicating such maximum rates of speed. If the rate of speed of any motor vehicle operating on any road shall exceed the rate of speed designated for said location, said rate of speed shall be prima facie evidence that the person operating such motor vehicle was running at a rate greater than is reasonable and proper, having regard for the traffic and the use of the highway.

(AL) No person shall make, aid or countenance or assist in making any improper noise, racket, disturbance, breach of peace, or anything tending to a breach of the peace or be guilty of any disorderly or offensive conduct or collect or assemble any body or group of persons for any unlawful purpose or for the annoyance or disturbance of any other person or persons or the damage or destruction of property of the City or of any other person.

(AM) No person intoxicated by alcohol nor any person under the influence of any unlawful drug shall appear or remain be present upon the reservoir or upon any other public place or upon the private premises of another without the owner's consent.

(AN) No person shall interfere with or in any manner hinder any employee or agent of the City while engaged in any work or the improvement, care or supervision of the reservoir.

(c) **Regulations for Jaycee Lake Only**

(A) All facilities including without limitation the trailer parking lot, boat ramp, and land used and adjacent to the boat launching area, and the pavilion and picnic area on the south and east sides of Lake Jaycee and all marginal land not subject to a lease, shall be closed and the use thereof prohibited after 10:00 o'clock p.m. or prior to 5:00 a.m. of each day; and it shall be unlawful for any person to go upon or use any of such facilities or land after 10:00 o'clock p.m. or prior to 5:00 a.m. each day. Lessee's of marginal land adjacent to the reservoir may use the reservoir for any permitted use during each hour of any day.

(B) Swimming, skin diving, bathing, wading, or any similar water activity (except skiing) in the reservoir is prohibited, except in such areas and at such times as may be determined from time to time by resolution of the City Council.

(C) Water skiing shall be permitted upon Jaycee Lake reservoir unless otherwise prohibited by the City Council by resolution or ordinance. Each boat towing any person or persons on water skis, aquaplane, or any other object shall have a minimum of two persons aboard and one of said persons shall act as an observer at all times. Water craft engaged in skiing shall travel in a clockwise direction when towing a skier. No person shall ski nor shall any person operate a boat having a skier in tow, except during the hours from sunrise to sunset. Skiing shall mean use of any water ski, aquaplane, or other similar object or contrivance intended, constructed or actually used in tow behind any boat.

(D) No person shall enter or remain at the boat launching ramp or at the trailer parking lot adjacent thereto or within fifty-feet of the boat launching ramp or trailer parking lot except for the purpose of and during the launching or trailering of a boat. No person shall fish within fifty-feet of any part of the boat launching ramp.

(E) No person shall place any fishing jug or similar device upon Jaycee Lake nor shall any person place any trot line, throw line, or similar device upon Jaycee Lake, except within a cove designated as a no wake area.

(F) No person shall place or operate a boat or water craft of any kind upon Jaycee Lake unless said person has secured and shall have in his or her possession a license as hereinafter provided.

No boat or craft of any kind may be propelled, kept or used on Jaycee Lake reservoir until the owner thereof shall have secured a written license from the City based upon a written application, setting forth the length of such boat or craft, its means of locomotion, and if propelled by an internal combustion motor engine, the piston displacement thereof, the maximum number of passengers said boat or craft may safely carry, its contemplated use, and other and further information as the City may from time to time require. Such license when granted shall be in writing and may be further evidenced by an official number sticker or marker to be yearly furnished by the City to the licensee and such sticker or marker shall be placed on the outside upper right hand corner of the rear transom, and such license shall be exhibited on request to any

agent of the City. In addition, a second sticker or marker shall be furnished by the City and affixed to the trailer for said boat.

Such license shall be effective from May 1 of the year of issue through and including April 30 of the next ensuing year and may be annually renewed by filing a like application before said boat or craft may be lawfully propelled, kept, or used in the reservoir. Each application or renewal must be accompanied by the payment of an annual license fee as follows:

- (a) Boat or craft propelled by oars, or sail or electric trolling motor .....\$5.00
- (b) Boat or craft propelled by internal combustion engine owned by any resident of Jefferson County, Illinois or any person who is a Lessee of marginal land .....\$ 50.00
- (c) Boat or craft propelled by internal combustion engine owned by a non-resident of Jefferson County, Illinois and non-lessee of marginal land from City or operated for testing by a boat retailer, boat dealer, boat mechanic or other commercial entity.....\$100.00

All applications for permit shall state the kind and type of public liability insurance carried by the applicant, the name of his insurer and limits of coverage. No permit shall be issued hereunder unless the applicant shall present to the City Clerk proof of public liability insurance coverage in an approved company and in an amount not less than \$300,000 per person and per occurrence or in such other amounts as shall be determined by the City Manager, in his discretion.

The within provisions requiring a license shall also specifically apply to boat retailers, boat dealers, boat mechanics, and other persons operating a boat or craft upon the reservoir for test driving, provided the license sticker for the boat shall be in the possession of the boat operator and the license sticker for the trailer shall be displayed within the motor vehicle pulling the boat trailer in the front window on the driver's side. No testing shall occur except on Monday through Friday 7:00 a.m. to 5:00 p.m. and on Saturday 7:00 a.m. to 11:00 a.m.

**(d) Regulations Specific for Lake Miller**

(A) Unless otherwise provided by ordinance or by other action of the City Council, use of Lake Miller shall be restricted to and is permitted only by lessee's of marginal land and by owners of real estate immediately adjacent to the waterline of the reservoir or by members of the Mt. Vernon Gun and Sportsmen's Club, Inc., a current licensee of Lake Miller as of the date of adoption of this ordinance; this provision shall supersede any provision within a lease for marginal lands requiring membership in the Mt. Vernon Gun and Sportsmen's Club, Inc. Use of Lake Miller shall be restricted to fishing and boating. Any lessee or owner herein described who places or operates a boat or craft upon the reservoir and who is not a member of the Sportsmen's Club shall have an official City sticker affixed to his water craft and any lessee or owner fishing Lake Miller without a boat or craft shall not be required to acquire an official City sticker but shall have satisfactory proof of an existing lease with the City or of current ownership of the land from which he is fishing. No guest of any lessee or owner or of any Sportsmens Club member shall place any boat upon the reservoir except a boat having the required City sticker or Sportsmens Club membership number as set forth herein, except nothing herein shall prohibit a guest or

family member of a lessee or owner or an authorized guest of the Sportsmens Club from using the properly licensed (sticker) boat of said lessee or owner or properly identified boat of a Sportsmens Club member. All members of the Sportsmens or guests of same engaged in fishing or boating upon Lake Miller shall have in his or her possession a current annual membership card or a membership guest card in the Mt. Vernon Gun and Sportsmens Club, Inc., which membership or guest card shall be promptly produced upon request by an authorized representative of the Mt. Vernon Gun and Sportsmen's Club, Inc. or upon the request of any representative of the City and each member shall also have his Sportsmen's Club membership number affixed and clearly visible upon his boat or motor. In the event any person shall not display the required City sticker or shall not promptly produce the required membership card then either Mt. Vernon Gun and Sportsmen's Club, Inc. or City may demand said person to immediately cease using the Lake. Upon failure of the person to cease using Lake Miller, said person shall be in violation of this ordinance and shall be guilty of a criminal trespass. In the event Mt. Vernon Gun and Sportsmen's Club, Inc. shall cease holding a license for the Lake then use of Lake Miller shall be as provided by resolution or ordinance of the City Council.

Any lessee of marginal land or owner of real estate immediately adjacent to the waterline of the reservoir desiring to place a boat or craft upon Lake Miller but who does not desire to obtain membership in the Mt. Vernon Gun and Sportsmen's Club, Inc. shall obtain a license from the City based upon a written application setting forth the length of each boat or craft, the means of locomotion of each boat or craft, and such further information that the City from time to time may require; upon request each applicant shall provide a copy of the certificate of title for the boat or water craft evidencing that said boat or water craft is titled in the name of the applicant. Such license granted shall be in writing and may be further evidenced by an official sticker or marker to be yearly furnished by the City to a licensee and such sticker or marker shall be placed on the outside upper right-hand corner of the rear transom, and such license shall be exhibited upon request to any agent of the City. Such license shall be effective from May 1 of the year issued through and including April 30 of the next ensuing year and shall be annually renewed by filing a like application before said motor craft may be lawfully propelled, kept or used in the reservoir. Each application or renewal must be accompanied by the payment of an annual license fee as follows:

- (a) Boat or craft propelled by oars, sails, or electric trolling motor..... \$ 5.00
- (b) Boat or craft propelled by internal combustion engine .....\$50.00

(B) On May 1 of each year the Sportsmen's Club or other licensee of the Lake shall file with the City Clerk a list containing the names, current addresses, and membership number for each member of the Sportsmen's Club (licensee) and a list of the names, addresses and each officer, director or employee of the Sportsmen's Club (licensee).

(C) Swimming, skin diving, bathing, wading, skiing or any similar water activity in the reservoir is prohibited, except in such areas and at such times as shall be determined from time to time by resolution of the City Council.

(D) No person shall place, use, or operate upon Lake Miller any boat or water craft

with a motor having horsepower of 10-horsepower or more. Failure to strictly comply with this provision shall result in a fine of not less than \$100.00 per violation and shall subject the violator to an injunction which prohibits the violator from using the Lake for a period of 12-months from date of imposition of the fine.

(E) No person shall fish from the banks or shoreline adjacent to Lake Miller except for lessees or custodians and their guests fishing from property subject to the lease or license of such lessee or custodian.

(F) No person shall park upon any private or public road or upon any marginal land to fish or otherwise use the reservoir, except that a lessee of marginal land and guests of same may park upon the premises subject of the lessee's lease.

(G) No person shall fish from the dam nor the spillway nor from any boat launching ramp nor from any bridge situated upon or adjacent to the reservoir.

(H) No person shall ride, park or use any motor vehicle, three wheeler, 4-wheeler, motorcycle, dirt bike, motor bike, off-road vehicle, snowmobile, or vehicle of any type (except mowing and maintenance equipment operated by City personnel or persons authorized by resolution of the City Council) upon the dam, the dam's face, the dam's toe, the spillway or within 200 feet of any part of the dam or the spillway nor upon any marginal land except marginal land leased to King City Dirt Riders by resolution of the City Council.

(I) No person (including any lessee of marginal land or owner of real estate adjacent to the shoreline) shall construct any boat ramp or boat access nor permit any access to the public or access to any person not authorized to use the reservoir, except such boat ramp or access as may be authorized in writing by the City Council, provided, however, that nothing herein shall prohibit a lessee of marginal land or an owner of real estate adjacent to the shoreline from having, placing, maintaining, or constructing a private boat access solely for the personal use by said lessee or owner.

(e) **Permits**

All applications for permits or license herein provided for shall be directed to the City Clerk. All permits and license herein provided for that may be issued by the City shall not be transferable in any way, and all benefits which may be derived therefrom shall accrue only to the person or persons to whom the permit was originally issued by the City. Each permit or license, whether or not issued for a consideration, shall be subject to revocation by the City whenever the licensee or holder of such permit in any way violates or permits the violation of any law, ordinance, rule or regulation for the regulation, care, protection, or control of the reservoir, drainage area or water supply of the City.

Each custodian of marginal land and each licensee or holder of any permit from the City herein provided for, shall at all times keep his or her post office address on file with the City Clerk and any provision for written notice to any custodian, licensee, or holder of any permit from the

City herein provided for shall be deemed for all purposes to have been complied with when the same in writing shall have been deposited in the United State registered mail, postage prepaid, and properly addressed to such designated address. The affidavit of the person so mailing such notice, together with the registry receipt, shall be prima facie evidence of the mailing thereof.

**(f) Steering Rules for Water Craft**

The following steering rules shall govern the use and operation of boats on the reservoir;

RULE 1. When two motor or engine driven boats are meeting head on, or nearly head on, so as to involve risk of collision, each shall alter her course to starboard (right) so that each shall pass on the port (left) side of the other.

RULE 2. When two motor or engine driven boats are crossing so as to involve risk of collision, the boat which has the other on her own starboard (right) side shall keep out of the way of the other.

RULE 3. When a motor or engine driven boat meets, crosses the course of or overtakes a boat propelled by oars or muscular power, the motor or engine driven boat shall keep out of the way of the other.

RULE 4. Where, by any of the rules herein prescribed, one of the two boats shall keep out of the way, the other shall keep her course and speed.

RULE 5. Where, by any of the rules herein prescribed, one of two boats shall keep out of the way, the other shall keep her course and speed.

RULE 6. Every motor or engine driven boat which is directed by these rules to keep out of the way of another boat, shall on approaching her, if necessary, slacken her speed or stop or reverse.

RULE 7. Notwithstanding anything contained in these rules, every boat or craft overtaking any other shall keep out of the way of the overtaken boat or craft.

RULE 8. In obeying and construing these rules, due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from above rules necessary in order to avoid immediate danger.

RULE 9. Nothing in these rules shall exonerate any boat or craft, or the owner or operator thereof, from the consequences or any neglect to keep a proper outlook, or of a neglect of any precaution which may be required by the exercise of due care and caution or by the special circumstances of the case.

RULE 10. No boat or craft shall collide with, run against, strike injure, deface or damage any buoy, stake, sign, piling or other structure installed by the City or with the

City's consent, or be anchored or moored so as to obstruct the view of any buoy or navigation sign or signal.

RULE 11. No boat or craft commonly known as a houseboat or craft on which the occupants have sleeping accommodations shall be permitted on the reservoir.

RULE 12. Persons using or operating any boat or craft on the waters of the reservoir shall do so in such manner as not to create any unsanitary condition in or about said waters and shall not pollute said waters by the discharge, in any material amount, of oil or other polluting liquid or solid tending to make said waters unwholesome or unfit for water supply purposes or injurious to the aquatic life thereof.

RULE 13. No boat or craft shall be used or operated, nor any horn or sound device sounded so as to create a nuisance or disturb the peace or quiet.

RULE 14. The City shall at all times have power and authority to prohibit, restrict or otherwise limit or regulate the keeping, maintenance or operation of any or all boats and crafts on the waters of the reservoir, should it become necessary to do so in the interest of the public health or safety, or for the protection or improvement of the reservoir or other cause.

RULE 15. Any boat or craft found abandoned or adrift in the reservoir or any unlicensed boat or craft thereon shall be taken up by the City and the City shall have a lien thereon for all license fees therefor and the expenses of taking, towing, keeping, advertising and selling of the same and for all damages caused by such craft to property of the City, and may enforce such lien by advertisement and sale of such craft in like manner as chattel mortgages may be foreclosed under the laws of this State. Nothing herein shall be construed as exonerating the owner or operator of any boat or craft from personal liability to the City, or any other person, for any damage, or injury caused by such boat or craft.

**(g) Nuisances**

(A) No person shall cause or permit any part of the reservoir or the water thereof, to be used, kept or maintained so as to cause the pollution of any part of the waters in the reservoir or so as to create, continue, or contribute to the creation or continuance of any public or private nuisance upon marginal lands.

(B) The violation of any provision of Section 16.8 whereby any unsanitary condition is created, is hereby declared to be a public nuisance.

(C) No person shall keep, maintain, or allow upon the reservoir or upon the marginal lands any carrion, pigsty, decaying animal or vegetable matter, stagnant water, or any other thing that may be injurious to the health of or offensive to the public or by which any noxious or offensive smell may be created. The keeping, maintaining, or allowing of any such matter or condition is hereby declared to be a nuisance.

(D) No person shall dump, throw, place, deposit, maintain, store or keep any street, alley, premises, public property, private property, or land within the reservoir or upon any marginal land any junk, trash, waste, garbage or other debris and the dumping, throwing, placing, depositing, maintaining, storage or keeping of aforesaid is hereby declared to be a nuisance.

(E) No person shall keep any cattle, hogs, sheep or goats, poultry, or other animals upon the marginal lands in such manner as to create any offensive smell or noise or to create any condition dangerous to the health of the public; same is hereby declared to be a nuisance.

(F) No person shall store or place any refrigerator, icebox, or ice chest in any open, unattended or unguarded place upon the reservoir or within the marginal lands without first removing the door or doors therefrom; and the placing or storing any such article in any such place without first removing the door or doors is hereby declared to be a nuisance.

(G) No person shall keep or have any inoperative motor vehicle or junked vehicle as defined within Section 13.12 of the Revised Code of Ordinances, except that "vehicle" shall also include water craft, upon the reservoir or upon the marginal lands, nor upon any street or highway; same is hereby declared to be a nuisance. No person shall use any motor vehicle or permit any motor vehicle to be used for storage of any thing or item; any motor vehicle used for said purpose is hereby declared to be a nuisance. No person shall park, store, place, leave or keep any motor vehicle required to be licensed by the State of Illinois upon any public or private property unless said vehicle is properly licensed for the current year as required by law; any unlicensed vehicle is hereby declared to be a nuisance. Abatement of any nuisance involving a motor vehicle shall be abated as provided within Section 13.12 of the Revised Code of Ordinance.

(H) No person shall permit any dog, cat or other animal owned, kept or controlled by such person to be or run at large within any street, sidewalk or other public place; same is hereby declared to be a nuisance. A dog, cat or other animal shall be deemed running at large when off the premises of its owner or keeper without being under adequate control of its owner or keeper.

(I) Any item or thing declared to be a nuisance herein shall be abated as provided within and shall be subject to the provisions of Article 13 of the Revised Code of Ordinances of the City of Mt. Vernon.

**(h) Right to Inspect**

Subject to the provisions of any lease authorized by the City Council, the City, by its authorized representatives, shall have the right to go upon and into the reservoir every part thereof and the improvements thereon at any and all reasonable times for the purpose of inspecting the same; also, to gain access to other land, plant and care for trees and other vegetation; to construct or cause to be constructed and maintain, sewer, water and gas pipes, electric and telephone lines and pipes, pipes and lines for other services and their appurtenances; to improve and protect shoreline and to do any other work pertaining to the improvement, protection, sanitary control and regulation of the reservoir and its environs.

Nothing within this Ordinance shall apply to or be construed to prevent or penalize any act done or caused to be done by the City in constructing, operating, improving, repairing, maintaining, patrolling, policing, protecting, or caring for said reservoir, the aquatic life there in, the shores thereof, the bird and natural life thereon, or any part of the waterworks system of said City.

The City does not assume, expressly or impliedly, any liability by reason of theft, damage, or injury to any person, boat, motor, equipment, cottage or other things, and no such liability shall be imputed to it.

**(i) Declaration of Emergency**

In the event the City Council shall, by resolution or ordinance, declare the existence of an emergency necessitating use of water from Jaycee Lake or Lake Miller, immediately upon such declaration of emergency, all swimming, bathing and wading within the reservoir, if otherwise permitted as provided herein, shall be prohibited and no person shall operate any boat or craft upon the reservoir at a speed greater than five (5) miles per hour, nor operate any boat or craft upon the reservoir with an internal combustion engine of more than ten horsepower.

**(j) Enforcement**

The City may appoint and employ such number of special policemen, deputy sheriffs and deputy game wardens to act as police officers, who shall be known as "Lake Police" as the City may determine to be necessary to enforce the provisions of this Section. Each such officer so appointed shall have authority to enforce the provisions of this Section and any and all Ordinances, Rules and Regulations of the City for the government, control and protection of the reservoir and all sanitary regulations and ordinances, any and all Laws, ordinances, regulations and rulings of any governmental authority, applicable to the reservoir and marginal land, and it shall be his duty to do so.

Each such officer herein provided for shall have the power and it shall be his duty to preserve the peace and good order and to protect all property within the reservoir, to arrest any person found in the act of violating or attempting to violate any Law of this State or Ordinance, rule or regulation of the City, for the protection and control of the reservoir, or anyone aiding and abetting such violation or attempted violation.

Each such officer shall have the power and authority within the limits of the reservoir and marginal land to serve and execute warrants or other legal process for the apprehension and commitment of persons charged with or held for the commission of any crime or misdemeanor or the violation of any ordinance, rule or regulation of the City governing and controlling the reservoir and marginal land and while serving, or executing or assisting in the service or execution of any such warrant or legal process he shall be vested with all the common law and statutory powers of a law enforcement officer for such purposes.

Any such officer herein provided for may at any time call upon any able-bodied person above the age of eighteen years to aid him in arresting, retaining or holding in custody any person guilty of having committed any unlawful act or charged therewith or to aid such officer in preventing the commission of such unlawful act and whoever shall neglect or refuse to give such aid or assistance when so required shall incur a penalty of not less than Five Dollars (\$5.00), nor more than One Hundred Dollars (\$100.00) for each offense.

Whoever shall resist or in any way, hinder or prevent such officer in the discharge of his duty, or shall endeavor to do so, or whom shall in any manner assist any person in the custody of any such officer to escape or attempt to escape from such custody, or who shall attempt to rescue any person in such custody, shall be fined not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for each offense.

**(k) Penalty**

Any person violating any provision of this Section shall become subject to revocation and/or suspension of his privilege to use the reservoir where the violation occurs and, in addition, liable for all damage and expense thereby caused to the City, including reasonable attorney fees incurred by City, by reason of such violation or by reason of enforcing the provisions of the ordinance. In addition, the penalties provided within Section 22.6 of the Revised Code of Ordinances shall apply to each violation of any provision of this Ordinance.