

CHAPTER 23  
WATER SYSTEMS REGULATIONS

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**CHAPTER 23 -- WATER SYSTEM REGULATIONS**

**ARTICLE 1 -- GENERAL PROVISIONS**

**Section 23-100. APPLICABILITY.** This Chapter shall apply only to the combined water and sewer system, or part thereof, which is operated and maintained by the Village of Bolingbrook; provided, however, that Sections 23-103, 23-105, 23-108(A) and (B), 23-112(A) and 23-202 shall apply to all water and sewer systems located within the corporate limits of the Village.

**Section 23-101. DEFINITIONS.** For the purposes of this Chapter the following terms and phrases shall have the meanings given herein:

**FIXTURE:** a sink, wash basin, stationary tub, toilet, bath tub, shower stall, water tap, drinking fountain, washing device, or other device or appliance through or in which water is consumed, except devices or appliances designed and intended solely for fire protection purposes.

**POTABLE WATER:** water from a public or private supply which is approved and accepted by proper and qualified authority as suitable for human consumption.

**SERVICE PIPE:** the water supply pipe extending from the water main to the water meter.

**SHUT-OFF BOX:** a device located in a public area, usually the parkway of an abutting street, inserted in the water service pipeline between the water meter and the water main and used to turn on or shut off the flow of water from the water main to the water meter.

**WATER CUSTOMER:** that person, whether tenant, occupant or owner, who applies for water service from each water meter, or if unmetered service, from each service pipe.

**WATER MAIN:** the pipes located in a street, road, alley or easement through which water is distributed to all service connections.

**Section 23-102.**      **SUPERVISION OF WATER WORKS.**      The Director of Public Works shall have general supervision over the water works system of the Village, comprising the wells, water mains, pumping stations, grounds, buildings and appurtenances thereto.

**Section 23-103.**      **PERMITS.**

(A) All applications for permits as required by the provisions of this chapter shall be made to the Director of Public Works and Engineering, who shall issue same provided such applications conform to the provisions of this Code.

(B) No extension of any existing water main or construction of any water main shall be undertaken unless the proper permit has been secured from the Illinois Environmental Protection Agency in addition to a Village Permit.

(C) A fee of twenty-five (\$25.00) dollars shall be applied to all permits which are taken out to cover the cost of filing and inspections while under construction.

**Section 23-104.**      **INSPECTIONS.** All inspections required to be made in regard to permits issued under Section 23-103 above shall be made by the Director of Public Works or his duly authorized representative.

**Section 23-105.**      **POTABLE WATER.** (Changed in it's entirety by Ordinance 07-124, 10.23.07) The water distribution system for any building intended or used for human habitation or occupancy shall contain and be supplied by potable water only. For the purposes of this section all such buildings shall be deemed to have only one such water distribution system. However, on lots not containing residential buildings, wells for non-potable water shall be allowed for watering of landscaping, landscaped water features, and recharge of retention ponds. All non-potable water must be a stand alone system without any cross connections to the potable water system including the use of any type of mechanical components (i.e. backflow device, RPZ, check valve, etc.).

**Section 23-106.**      **RESALE OF WATER.** No water shall be re-sold or distributed by the recipient thereof from the Village water supply to any premises other than that for which the original sale has been made, as evidenced by meter installation, except as may be specifically authorized by the Director of Public Works in cases of emergency use.

**Section 23-107.**      **TAMPERING FORBIDDEN -- PENALTY.**

(A) It shall be unlawful for any person, firm or corporation, not specifically authorized by the Director of Public Works, to tamper with, injure, damage or alter any part of the Village Water Works, supply system, or any water meter or water meter seal installed therein.

(B) Penalty for violation of any portion of Section 23-107(A) shall be not more than Five Hundred Dollars (\$500) for each offense, and each and every day during which a violation continues or exists shall be deemed a separate offense.

**Section 23-108.      CONSTRUCTION OF MAINS.**

(A) All extensions of water mains or construction of new water mains in public places shall not be undertaken unless the permit therefor has been issued pursuant to the requirement of Section 23-103 above.

(B) All water distribution mains within the Village shall be of ductile iron in accordance with A.N.S.I. Specification A21.51, Ductile Iron Pipe for Water and Other Fluids. All ductile iron pipe shall have cement mortar lining with joints being push on, mechanical joint or bell-tite.

(C) Water mains constructed as additions to or portions of the Village Water Works shall not be turned onto the system until such mains have been sterilized, in a manner approved by the Director of Public Works, and this sterilization has been verified by a written report on samples taken from such mains. This report shall have been prepared by a duly authorized testing laboratory. Such samples shall be taken in the presence of the Director of Public Works and delivered to or caused to be delivered to the testing laboratory by the Director of Public Works.

**Section 23-109.      SHUT-OFF BOXES.** Shut-off boxes shall be placed on every service pipe by the Village and shall be subject to the specifications set forth in Article 3 of Chapter 25, "Building, Plumbing, Electrical and Mechanical Regulations".

**Section 23-110.      WATER METERS.**

(A) No consumer shall be supplied with water from the Village system until a meter with an outside reading device shall be set and ready for use, except in cases where it is impractical to so set a meter as a temporary measure. All meters used in connection with said water system shall be supplied and installed by the Village and shall be and remain the property of the Village.

The actual cost to the Village of furnishing and installing each meter shall be paid by the person ordering the same immediately upon the installation and before water is turned on. The actual cost of keeping such meter in repair shall be paid by the person ordering same or by the owner or occupant of the premises as soon as the billing therefor is presented. The person upon whose application any meter is installed or the occupant or owner of the premises where installed shall be liable for any breakage by freezing or otherwise, or any loss or damage to said meter in any manner except by ordinary use and wear, and the cost of making good such damage or loss shall be paid by the person upon whose application such meter was installed, or by the occupant or owner of the premises where installed, as soon as a bill therefor is presented, and the amount thereof shall be a lien against the premises in which such meter is located to the same extent and with the same effect as delinquent water charges and sewer rentals.

(B) The water meter shall be installed in such a location that it is readily accessible for replacement and reading in the opinion of the Water Superintendent or his duly authorized representative. The meter placement shall also comply with Chapter 25 of this Code.

(C) The water meter shall be installed in a saddle which will hold the pipes in position even without the meter in place.

**Section 23-111. CORRECTION OF WATER LEAKS.** It shall be the responsibility of the water customer to correct and repair all water leaks occurring from the shut-off box connection to the water meter, at his own expense, where the Director of Public Works determines that such water leak warrants corrective action.

**Section 23-112. FIRE HYDRANTS.**

(A) No person, firm or corporation shall open or draw water from any Village or other fire hydrant or plug or interfere in any manner therewith without the prior permission of the Director of Public Works and Fire Chief, except in the case of a fire or similar emergency.

(B) Any person, firm or corporation may be permitted by the Director of Public Works and Fire Chief to make special connections with street water mains in order to obtain private hydrants and standpipes for use in the case of fire. No charge shall be made for such permit, or for water used for fire purposes, but all such work in connection with such fire system shall be done under the direction of the Director of Public Works and Fire Chief. Such private facilities shall be maintained in good working order by the owner of the premises where they are located, and shall be readily available and open to inspections by the Village at all times. (Ordinance 76-35, 4.13.76)

**Section 23-113. EXCAVATIONS.** Excavations, and the backfilling thereof, shall conform to Article 1 of Chapter 22, "Streets, Sidewalks, Easements and Trees" and other specific provisions of this Code where applicable.

**Section 23-114. PLUMBING REGULATIONS.** All work performed under the provisions of this Chapter 23 shall also conform to the provisions of Article 3 of Chapter 25, "Building, Plumbing, Electrical and Mechanical Regulations".

**ARTICLE 2 -- WATER SERVICE**

**Section 23-201. REQUESTS FOR SERVICE.** Requests for water service shall be made to the Public Works Department at which time all pertinent information will be taken and a time for water turn on established.

(A) The owner of all houses, buildings and properties used for human occupancy, employment, recreating or other purposes located within the Village and abutting any street, alley, or right-of-way in which there is now located a water main of the Village, is hereby required, at his own expense, to install a water service line and to connect or tap on to the water main of the Village. The water service line shall be installed and connected to the plumbing facilities of the premises in accordance with the provisions of this chapter and the provisions of Article 3 of Chapter 25, "Building, Plumbing, Electrical and Mechanical Regulations," within ninety (90) days after date of official notice to do so, provided that said water main of the Village is within one hundred (100) feet of the property line upon which the premises are located.

(B) The provisions of Section 23-201(A) shall not apply to existing houses, buildings, and properties used for human occupancy, employment, recreating or other purposes until April 1, 1988, provided that the premises must currently have in existence and be served by a well or other source of water. After April 1, 1988, all houses, buildings, and properties used for human occupancy, employment, recreating or other purposes located within the Village shall be subject to the provisions of Section 23-201(A).

(C) Requests for water service shall be made to the Public Works Department, at which time all pertinent information will be taken. The Finance Department shall determine whether the applicant is in default to the Village for any past due payments. A security deposit equal to three (3) months estimated billings shall be required of a defaulter before service is established and, if not otherwise contrary to judicial order, a schedule for the recoupment of past due payments shall also be established. When the application has been approved by the Finance Department, the Public Works Department will schedule a date for turning on the service. (Ordinance No. 93-015, 02.23.93)

**Section 23-202. NEW SERVICE CONNECTIONS.**

(A) No service pipes shall be installed or connected to the water mains of the Village system without a permit for each such installation or connection. Application for such permit shall be made to the Building Commissioner and shall be signed by the owner or tenant of the premises involved, and by the plumbing contractor by whom the work is to be performed. Such applications shall be made on forms furnished by the Village and shall state the size and location of the tap and shut-off box required and the size and composition of the service pipe to be used, a description of the property to be served, and the location upon said property of the service pipe and water meter to be installed therein.

If the Building Commissioner shall find that the application conforms to the provisions of this chapter and Chapter 30, and upon the receipt of a fee in the sum of Fifteen Dollars (\$15.00) for each such permit, he shall issue a permit for such work.

(B) All work shall conform to specifications set forth in Article 3 of this Chapter 25, "Building, Plumbing, Electrical and Mechanical Regulations", including the size and composition of the service pipe and related fittings, and the manner of laying same.

(C) All excavations in connection with the installation of service pipe shall be performed in accordance with the standards and requirements of Article 1 of Chapter 22, "Streets, Sidewalks, Easements and Trees".

(D) Before commencing the installation of any service pipe hereunder, the contractor, or owner or tenant of the premises, shall notify the Building Commissioner at least twenty-four (24) hours in advance of commencing such work.

(E) No excavation performed in connection with such work shall be backfilled before the installation has been inspected and approved by the Building Commissioner. At such time of inspection the completed service pipe, water meter, and related fittings shall be subjected to a pressure test at Village pressure; each such installation shall sustain the existing Village pressure for a period of not less than 15 minutes without leakage before being approved.

(F) Upon satisfactory completion of the inspection and testing of such work, and upon the satisfactory backfilling of all excavations made in connection with such work, the Building Commissioner shall notify the Public Works Department that the water service system is satisfactory.

(G) The filing of an application for a permit pursuant to Section 23-204(A) shall be deemed consent by the owner or tenant of the premises involved to entry upon such premises by the Director of Public Works or his duly authorized representative for the purpose of making such inspection.

**Section 23-203. TAPPING MAINS.**

(A) Where new service pipes require the tapping of water mains and the installation of shut-off boxes, it shall be the responsibility of the person obtaining water service, at his own expense, to provide proper excavating to the water main, to backfill same, and to restore the street area to its original condition, including repaving where necessary.

It shall be the responsibility of the person obtaining service to make such tap-ons, install the shut-off box, and furnish all materials regarding same. Such work will be made under the Director of Public Works and Engineering or his authorized representative.

(B) In the event that the Village incurs extraordinary or additional facilities costs beyond those normally and customarily required to provide water service to the customer (e.g., oversized water mains, additional wells, etc.), a tap-on surcharge shall be assessed. The Village Engineer shall determine the appropriate amount of the tap-on surcharge to be charged the customer based upon (1) the total amount of extraordinary or additional costs incurred by the Village and (2) an allocation of the extraordinary or additional Village costs to each benefited customer property. The Village Engineer's determination of the tap-on surcharge shall be recorded with the Recorder of Deeds of Will or DuPage County, as appropriate, and shall identify the customer properties subject to the tap-on surcharge and the amount of the tap-on surcharge applicable to each such property. (Ordinance 01-27,02.27.01)

**Section 23-204. REPAIR AND REPLACEMENT.** All repairs and replacements of service pipes from the shut-off box to the building shall be made by and at the expense of the owner of the premises served, and shall require full compliance with all the regulations and requirements of this Code, including permits. The Village may in case of emergency repair any service pipes, and if this is done the cost of such repair work shall be repaid to the Village by the owner of the premises served. However, the Village shall be responsible for the repair of service pipes from the tap to the shut-off box.

**Section 23-205. TERMINATING SERVICE.** The President and the Board of Trustees of the Village may deprive any person, firm or corporation of Village water service where such person, firm or corporation violates any ordinance, rule or regulation of plumbing requirements.

The foregoing shall be in addition to general penalties which may be imposed for violations of this Code.

**ARTICLE 3 -- WATER RATES, BILLING AND COLLECTION**

**Section 23-301. MONTHLY RATES AND BILLING.** Unless specifically provided elsewhere, all water rates shall be computed and billed on a monthly basis. The Village shall read each water meter at least once each quarter during every year. (Ordinance 87-32, 05.26.87)

**Section 23-302. METERED RATES.**

(A) For purposes hereof, the definition of a "residential user" is any person or family unit occupying a single family residence, duplex, townhouse, condominium or cooperative unit. The definition of a "commercial and/or industrial user" is to include any firm, institution or corporation occupying any portion of any commercial, industrial or combination use. For purposes hereof, the definition of an "apartment user" is any person or family unit occupying an apartment. Also, for purposes hereof, apartments are to be included with the rates applicable to the commercial and/or industrial user.

(B) Water bills shall be computed with the following rates for all "residential users" within the Village which are individually metered and have a direct or indirect connection with Village water mains: (Ordinance No. 00-075, 04.25.00).

<u>Minimum under 4,000 gallons</u>	<u>Additional Consumption 4,000-65,000 gallons</u>	<u>Additional Consumption over 65,000 gallons</u>
\$ 13.64	\$ 3.41 per 1,000 gal.	\$ 2.04 per 1,000 gal.

(C) Water bills shall be computed with the following rates per dwelling unit for all "residential users" within the Village which are not individually metered and have a direct or indirect connection with Village water mains: (Ordinance No. 00-075, 04.25.00)

<u>Minimum under 4,000 gallons</u>	<u>Additional Consumption 4,000-65,000 gallons</u>	<u>Additional Consumption over 65,000 gallons</u>
\$ 13.64	\$ 3.41 per 1,000 gal.	\$ 2.04 per 1,000 gal.

(D) Water bills shall be computed with the following rates for all "commercial and/or industrial users" (including apartment users) within the Village which are individually metered and have a direct or indirect connection with Village water mains: (Ordinance No. 00-075, 04.25.00)

<u>Minimum under 4,000 gallons</u>	<u>Additional Consumption 4,000-65,000 gallons</u>	<u>Additional Consumption over 65,000 gallons</u>
\$ 13.64	\$ 3.41 per 1,000 gal.	\$ 2.04 per 1,000 gal.

(E) Water bills shall be computed with the following rates for each commercial, industrial or apartment unit for all "commercial and industrial users" (including apartment users) within the Village which are not individually metered and have a direct or indirect connection with Village water mains: (Ordinance No. 00-075, 04.25.00)

<u>Minimum under 4,000 gallons</u>	<u>Additional Consumption 4,000-65,000 gallons</u>	<u>Additional Consumption over 65,000 gallons</u>
\$ 13.64	\$ 3.41 per 1,000 gal.	\$ 2.04 per 1,000 gal.

**Section 23-302.1 METERED LAKE MICHIGAN WATER RATES.**

(Added in its entirety by Ordinance 01-27, 02.27.01)

Notwithstanding anything to the contrary set forth in Section 23-302, the following rates, rules and regulations shall apply to the provision of Lake Michigan water to water users. Lake Michigan water bills shall be computed with the following rates for all users within the Village which have a direct or indirect connection with Village water mains:

(A) The Lake Michigan water rate is comprised of a Water Consumption Charge, a Customer Charge, and a Service and Recovery Fee. In addition, where water service is provided to privately owned fire suppression systems, there is a Private Fire Protection Service Charge,

(1) Water Consumption Charge:

- (a) Residential/apartment users \$5.76 per 1000 gal
- (b) Commercial users 5.76 per 1000 gal (1<sup>st</sup> 20,000 gal.)  
4.96 per 100 gal (over 20,000 gal.)

(2) Customer Charge. The following Customer Charges, varying only with the size of the meter, are to be paid, regardless of the usage of water:

<u>Size of Meter (inches)</u>	<u>Monthly Charge</u>
5/8	\$ 9.10
¾	10.85
1	15.60
1-1/2	29.60
2	43.60
3	85.60
4	137.60
6	212.60
8	302.60

(3) Private Fire Protection Service Charge. Solely for those customers who have a private fire protection system (e.g., sprinklers or private fire hydrant), the following Private Fire Protection Service

Charges, varying only with the size of the service connection, are to be paid, regardless of the usage of water:

<u>Size of Service Connection (diameter)</u>	<u>Monthly Charge</u>
2" and smaller	\$ 4.82
3"	9.65
4"	18.95
6"	43.00
8"	78.00
10"	121.00
12"	173.00
Private fire hydrant	43.00

- (4) A Service and Recovery Fee equal to 0.1% multiplied by the Water Consumption Charge plus the Customer Charge above and, if applicable, the Private Fire Protection Service Charge.

(B) For Purposes of this Section, the definition of a "residential or apartment user" is any person or family unit occupying a single family residence, duplex, townhouse, condominium, apartment or cooperative unit. The definition of a "commercial user" includes any firm, institution or corporation occupying any portion of any commercial, industrial or combination use.

**Section 23-303. UNMETERED RATES.** All water bills mailed by the Village on or after June 1, 2000 shall be computed with the following rates:

(A) During construction work, or in other instances where the Village water is used but unmetered as permitted by the provisions of this Code, the user thereof shall pay the sum of \$100.00 to the Village Collector prior to such use. Said sum shall cover a sixty (60) day period. (Ordinance No. 00-075, 04.25.00)

(B) All quantities of water used for which rates and methods of measurement are not otherwise specifically provided shall be estimated by the Director of Public Works, and an assessment shall be made with respect thereto at the following rates:

<u>Minimum for</u> <u>4,000 gallons</u>	<u>Additional Consumption</u> <u>Over 4,000 gallons</u>
\$ 13.64	\$ 3.41 per 1,000 gallons

Whenever practicable, a meter shall be used as a basis for such estimate.

(Ordinance No. 00-075, 04.25.00).

**Section 23-303.1 UNMETERED LAKE MICHIGAN WATER RATES.**

(Added in its entirety by Ordinance 01-27, 02.27.01)

Notwithstanding anything to the contrary set forth in Section 23-303, the rates for the provision of unmetered Lake Michigan water to water users shall be computed as follows:

(A) During construction work, or in other instances where the Lake Michigan water is used but unmetered as permitted by the provisions of this Code, the user thereof shall pay the charge per unit constructed, as follows:

(1) Usage Base

- (a) Single Family residential units 7,000 gal. per unit
- (b) Multiple residential units 5,000 gal. per unit
- (c) Industrial, commercial and other high demand application consumption shall be estimated by the Village based on data provided by the user.

(2) Bills and Payment. The Village shall render a bill for payment before construction begins. All other terms and conditions under this Code shall be applicable to construction water service, except that no further water service will be rendered unless payment for construction water has been received within twenty-one (21) days of the date of the bill.

(B) All quantities of Lake Michigan water used for which rates and methods of measurement are not otherwise specifically provided shall be estimated as in Subsection (A) above. Whenever practicable, a meter shall be used as a basis for such estimate.

**Section 23-304. INACCESSIBLE WATER METERS.** A person, firm or corporation that receives water from the Village shall allow Village officials access to its inside water meter in order to determine the amount of water usage, at least annually. In the event that the inside water meter is not readily accessible, the customer shall be responsible for arranging to meet with Village officials during normal business hours to provide access to the meter. In the alternative, a customer may, at his own expense and upon approval by the Director of Public Works, locate the water meter at a convenient location outside the premises served. Failure by the customer to provide access to the meter, as herein provided, shall constitute cause for shutting off water service pursuant to the procedures set forth in Section 23-308. (Ordinance No. 89-55, 05.09.89)

**Section 23-305. WATER METER SEALS.** A person, firm or corporation which receives water from the Village shall maintain water meter seals on the premises intact and unbroken. In the event that a water meter seal is broken, the person, firm, or corporation which receives water from the Village shall be responsible for the payment of a Fifty Dollar (\$50.00) administrative charge. Said charge shall be added to the customer's monthly bill. (Ordinance No. 90-26, 3.13.90)

**Section 23-306. BILLING AND PAYMENT.** Statements for water charges shall be mailed to each customer at least monthly. If such statement remains unpaid 20 days following the day of mailing of such statement, there shall be added to such statement a penalty in the amount of 5% of the amount due. The penalty date and the total amount due thereafter shall be separately listed on such statement. (Ordinance No. 01-27, 02.27.01)

**Section 23-307. DELINQUENT ACCOUNTS.** All statements, including penalties, still remaining unpaid 25 days following the penalty date as established in Section 23-306 shall be deemed and hereby declared to be delinquent, as provided by law. (Ordinance 74-109, 9.24.74)

**Section 23-308. SHUTTING OFF WATER.** Immediately upon the delinquency of a statement for water charges or sewer maintenance, the Director of Finance or his designee shall so notify the customer prior to termination of service. Said notice of termination shall include the proposed date of termination and a brief description of the procedure for challenging the termination, as hereinafter set forth.

(A) The Director of Finance or his designee shall send notice to the customer prior to termination of service. Said notice of termination shall set forth the proposed date of termination and notify the customer that he has ten (10) days within which to challenge termination of service as being unjustified by written notice to the Director of Finance.

(B) The Director of Finance, or his designee, upon receipt of a customer's challenge to termination of service, shall schedule a hearing on the challenge. The Director or his designee shall hold the hearing and render a final decision thereon. The customer may be present at the hearing with counsel, may cross-examine witnesses, may offer witnesses and evidence, and may present defenses to the termination. All testimony shall be taken under oath.

(C) In the event a decision to terminate service is rendered, the customer may appeal said decision to the Director of Public Works based upon the record at the hearing and said Director shall render a decision thereon.

(D) The Director of Public Works shall have the power to terminate service after compliance with the foregoing provisions of this Section.

(E) The water shall not be turned on again until all arrearages, both as to water charges and sewer rentals, together with any respective penalties, shall have been paid or a schedule of payments shall have been approved by the Director of Finance, in his sole discretion. There shall be paid, prior to renewal of water service, after disconnection by the Director of Public Works for delinquency or at the request of the user, a charge of ten dollars (\$10.00) to cover the cost of shutting off and turning on the water.

(Ordinance No. 89-55, 05.09.89)

**Section 23-309. LIEN ON REAL ESTATE.** (Ordinance No. 93-008, 01.26.93) Delinquent water charges shall be a lien on the premises, as provided by law. Whenever a statement for water service remains unpaid sixty (60) days after it has been rendered the Village Collector may file with the Recorder of Deeds of Will or DuPage County a notice of the lien claim. This notice shall contain the legal description of the premises served, the amount of the unpaid statement, and an assertion that the Village claims a lien for this amount as well as for the amount of all charges subsequent to the period covered by this statement.

If the consumer or user whose statement is unpaid is not the owner of the premises in question, the Village Collector shall send to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number, (a) a copy of each delinquency notice sent to the person who is delinquent in paying the charges or rates or other notice sufficient to inform the owner or owners of record, as referenced by the taxpayer's identification number, that the charges or rates have become delinquent and (b) a notice that unpaid charges or rates may create a lien on the real estate under this Section.

The notice of lien shall consist of a sworn statement setting out (a) a description of such real estate sufficient for the identification thereof, (b) the amount of money due for such service, and (c) the date when such amount became delinquent. The Village Collector shall send a copy of the notice of the lien to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number. The Village has the power to foreclose this lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.

The Village also has the power, from time to time, to sue the occupant or user of the real estate in a civil action to recover the money due for services rendered, plus a reasonable attorney's fee, to be fixed by the court. Whenever a judgment is entered in such a civil action, the foregoing provisions in this section with respect to filing sworn statements of such delinquencies in the office of the recorder and creating a lien against the real estate shall not be effective thereafter as to charges sued upon and no lien shall exist thereafter against the real estate for the delinquency. Judgment in such a civil action operates as a release and waiver of the lien for the amount of the judgment.

**Section 23-310. FORECLOSURE OF LIEN/RELEASE OF LIEN.**

(A) Real estate subject to a lien for unpaid, delinquent water charges or sewer rentals shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay such charges or rentals, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosures shall be by equity in the name of the Village. The Village Attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any real estate as above provided. (Ordinance 96-027, 04.22.97)

- (B) Upon the payment by the owner, or other person interested in the property, of the outstanding lien balance, any costs incurred by the Village in filing or releasing said lien, and the administrative fees of the Village associated therewith, the Village shall issue a release of such lien for filing in the Office of the Recorder of Deeds. (Ordinance 97-027, 04.22.97)

**ARTICLE 4 -- WATER STORAGE FACILITIES**

**Section 23-401. PRIVATE STORAGE FACILITIES.** If water use by a nonresidential water user will normally exceed the rate of one hundred (100) gallons per employee per day by one hundred (100) gallons per day or more, then such user shall provide storage for 150% of a normal day's supply of water, provided such normal use is not less than 50,000 gallons per day. This requirement shall not include water used for air conditioning if such water is recirculated.

**Section 23-402. JOINT USE OF STORAGE FACILITIES.** In order to meet the requirements of this article, two or more contiguous water users may combine their storage facilities at their option, provided such joint facilities shall, in the aggregate, meet the requirements of this article.

**ARTICLE 5 -- CONTROL OF THE USE OF SPRINKLING DEVICES**

**Section 23-501. DEFINITIONS.** For the purpose of this Article, the following terms shall have meanings herein ascribed to them:

LIMITED SPRINKLING -- Sprinkling devices may be used by any person, firm or corporation only as follows:

- (a) Any person, firm or corporation which bears or has been assigned an odd numbered street address or which does not bear or has not been assigned any street numbered address, shall be allowed to sprinkle only on the days of the month having odd numbers. (Ordinance No. 95-108, 06.13.95)
- (b) Any person, firm or corporation which bears or has been assigned an even numbered street address shall be allowed to sprinkle only on the days of the month having even numbers. (Ordinance 95-108, 06.13.95)
- (c) The period of each day during which such watering or sprinkling may be done shall be limited to the period between 6:00 a.m. and 10:00 a.m. and the period between 6:00 p.m. and 10:00 p.m., prevailing local time. (Ordinance 98-051, 05.26.98)

REASONABLE USAGE - Hand-held hoses may be used by any person, firm or corporation without restriction, on a reasonable basis for such purposes as watering flowers, trees and gardens or washing cars, windows or sidewalks. (Ordinance No. 98-051, 05.26.98)

SPRINKLING DEVICE -- Sprinkling devices shall include but not be limited to such devices as hoses, portable sprinklers and permanently installed sprinkler systems which are used for such purposes as watering lawns or washing cars, windows or sidewalks. Sprinkling devices shall not include those sprinkling devices used in commercial car wash businesses nor sprinkling devices used for the purpose of fire protection.

**Section 23-502. REASONABLE SPRINKLING BASIS FOR WATER USAGE.**

Unless limited by provisions of this Article, any person, firm or corporation may use sprinkling devices on a reasonable sprinkling basis for water usage. (Ordinance No. 95-108, 06.13.95)

**Section 23-503. LIMITED SPRINKLING BASIS FOR WATER USAGE.**

It shall be unlawful for any person, firm or corporation to use any sprinkling device during the period of May 1 through September 30 except for limited sprinkling, as hereinabove defined. (Ordinance No. 95-108, 06.13.95)

**Section 23-504. WATER EMERGENCY--LIMITATIONS ON USE OF SPRINKLING DEVICES.**

Notwithstanding anything to the contrary set forth within this Article, whenever the water supply of the Village is diminished, from any cause whatsoever, to an amount which in the opinion of the Village Administrator is or is likely to become dangerous to the health and safety of the public, the Village Administrator is hereby authorized and empowered to issue a proclamation in the form of a public notice prohibiting all persons from using any sprinkling device at any of the times specified and for the period during which said proclamation continues in effect. (Ordinance 95-108, 06.13.95)

Upon issuing said proclamation, the Village Manager shall make the contents thereof known to the public by news release to the local newspapers and radio media. The Village Manager may also notify the citizens in any other practical manner that he shall devise.

Any Village employee or officer may, at the direction of the Village Manager, notify and warn any person, firm or corporation of the effect of said proclamation and direct said person, firm or corporation to comply with said watering or sprinkling restrictions. If any said person, firm or corporation, after having first been warned about said restrictions and said proclamation, they shall be deemed to be in violation of this section of the Code and shall be liable for the penalties provided for in Section 23-602.

**ARTICLE 6** -- **ENFORCEMENT**

**Section 23-601.** **AUTHORITY.** It shall be the duty of the Director of Public Works and Engineering or his designated representative to investigate any notice of violation and to serve notice to such person or company which is in violation of this Chapter. Such notice shall normally mean that the person or company in violation has ten (10) working days (2 weeks) to correct such violation, unless immediate hazard to the public will result in which case appropriate action should be taken immediately by the violator or Village as required. If the Village or its employees perform such corrective action, a bill will be submitted to the violator in addition to any appropriate fine. Notification shall be by letter or citation as is appropriate for the particular instance.

**Section 23-602.** **PENALTY.** The penalty for violation of any provision of this Article shall be One Hundred Dollars (\$100.00), and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ordinance No. 90-11, 01.23.90).

**Section 23-603.** **SEVERABILITY.** Each of the provisions of this Article are severable, and if any provision is held invalid the remaining provisions shall not be affected but shall remain in full force and effect.