

VILLAGE OF BIG ROCK

ORDINANCE NO. 2024- 12

AMENDED ORDINANCE REGULATING: THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

**ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF BIG ROCK
THIS 14TH DAY OF MAY, 2024**

Published in pamphlet form by the authority of the Board of Trustees of the
Village of Big Rock, Kane County, Illinois
this 14th day of May, 2024

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WHEREAS, the Village of Big Rock is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, the Village of Big Rock has constructed and operates a public sewerage system to serve a particular locality within its corporate limits according to the statutory authority found in 65 ILCS 5/11-141-12 et seq. and other applicable provisions of the Illinois Municipal Code; and

WHEREAS, the Village may make and enforce all needful rules and regulations in connection with the construction, acquisition, improvement, or extension and with the management and maintenance of the sewerage system by ordinance according to the statutory authority found in 65 ILCS 5/11-141-16 and other applicable provisions of the Illinois Municipal Code.

WHEREAS, the Village of Big Rock Board of Trustees previously adopted Ordinance No. 2011-20, "An Ordinance Regulating: The Use of Public and Private Sewers and Drains, Private Sewage Disposal, the Installation and Connection of Building Sewers, the Discharge Waters and Wastes into the Public Sewer System, and Providing Penalties for Violations Thereof," commonly known as the "Sewer Use Ordinance"; and

WHEREAS, the Sewer Use Ordinance was amended in Year 2013 pursuant to Ordinance No. 2013-12; and

WHEREAS, the Village of Big Rock Board of Trustees desires to further amend Article V, "Protection of Sewage Works from Damage," Article VI, "Power and Authority of Inspectors," and "Article VII, "Penalties", of the Sewer Use Ordinance to amend and clarify the provisions and penalties for violations, finding these amendments are in the public interest.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Big Rock, Kane County, Illinois, as follows:

Section 1: The above-stated Recitals are restated and incorporated into this Section 1 as though fully set forth herein.

Section 2: Article V, "Protection of Sewage Works from Damage," Article VI, "Power and Authority of Inspectors," and "Article VII, "Penalties", of the Sewer Use Ordinance are hereby amended. The Sewer Use Ordinance is attached hereto as Exhibit "A" and incorporated herein. The amendments to the Sewer Use Ordinance are shown in Exhibit "A" by underlined and shaded text, deletions are shown in Exhibit "A" by ~~strikeouts~~, and said amendments and deletions are incorporated herein.

Section 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 4: This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PRESENTED to the Board of Trustees of the Village of Big Rock, Kane County, Illinois on this 14th day of May, 2024.

Trustee McCannon Y

Trustee Metzger Y

Trustee Lynch Y

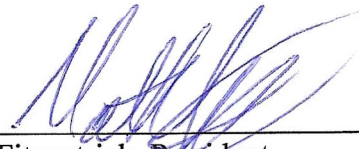
Trustee K. May Y

Trustee Walsh Y

Trustee T. May Y

PASSED by the Board of Trustees of the Village of Big Rock, Kane County, Illinois, this 14th day of May, 2024.

SIGNED by the President of the Board of Trustees of the Village of Big Rock, Kane County, Illinois, this 14th day of May, 2024.



Matt Fitzpatrick, President
Village of Big Rock, Illinois

ATTEST:



Lindsey Zambrano, Village Clerk
Village of Big Rock, Illinois

(SEAL)



STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

CLERK’S CERTIFICATE

I, Lindsey Zambrano, certify that I am the Village Clerk of the Village of Big Rock, Kane County, Illinois, and as such officer I am the keeper of the records, files and proceedings of the corporate authorities of said municipality.

I further certify that:

ORDINANCE NO. 2024- 12

AMENDED ORDINANCE REGULATING: THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

was adopted by the President and Board of Trustees of the Village of Big Rock at a meeting held on May 14, 2024 and approved by the Village President on May 14, 2024. I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board complied with all the requirements of the Illinois Open Meeting Act.

I do further certify that the ordinance, of which the attached is a true and correct copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of same.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and the seal of the municipality this 14th day of May, 2024.

(SEAL)



Lindsey Zambrano
Lindsey Zambrano, Village Clerk
Village of Big Rock, Illinois

EXHIBIT "A"

AMENDED SEWER USE ORDINANCE

VILLAGE OF BIG ROCK

AMENDED ORDINANCE REGULATING: THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

ARTICLE I

Use of Public Sewers Required

- Sec. 1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Big Rock or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.
- Sec. 2 It shall be unlawful to discharge to any natural outlet within the Village of Big Rock, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- Sec. 3 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.
- Sec. 4 The owner of all the houses, building, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the Village, is hereby required at his or her 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 ninety (90) days after date of official notice to do so, provided that said public sewer is within 200 feet of a residential property or a non-residential property with a sewage flow less than 1500 gallons per day, or within 1000 feet of a non-residential property with a sewage flow greater than or equal to 1500 gallons per day unless a physical barrier or local ordinance exists which prevents connection to the sewer. If connection from the property to the sanitary sewer cannot be made with an individual line (i.e., 4" line), then a private sewage disposal system may be installed.

ARTICLE II
Private Sewage Disposal

- Sec. 1 Where a public sanitary (or combined) sewer is not available under the provisions of Article I, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article II.
- Sec. 2 Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Kane County Health Department. The application for such permit shall be made on a form furnished by the Kane County Department of Health, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the County. The applicable permit and inspection fee shall be paid to the County at the time the application is filed.
- Sec. 3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Kane County Health Department. Said County Health Department and his/her designees shall be permitted to inspect the work at any stage of its construction and, in any event, the applicant for the permit shall notify the County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection will be made in accordance with County requirements upon receipt of written notice by the County Health Department.
- Sec. 4 The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing insufficient subsurface soil absorption facilities. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec. 5 At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article I, Section 4, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be pumped by a contractor licensed in Kane County and the State of Illinois with notice given to the Kane County Health Department. The floor and walls shall be cracked or crumbled so the tank will not hold water and the tank shall be filled with clean bank-run gravel or dirt. If the tank is removed from the ground, the excavation shall be filled with soil.
- Sec. 6 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village of Big Rock or the County of Kane.
- Sec. 7 No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Kane County Health Department.
- Sec. 8 When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

ARTICLE III
Building Sewers and Connections

- Sec. 1 No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village of Big Rock.
- Sec. 2 All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.
- Sec. 3 There shall be two (2) classes of building sewer permits: Class A for residential, wastewater service, and Class B for commercial, institutional/governmental or industrial wastewater service. In either case, the owner or his agent shall make application on a special form furnished by the Village of Big Rock.

The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Village of Big Rock. An applying industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

For all sanitary sewer services considered new after the effective date of this Ordinance, a permit/inspection/connection fee in accordance with the schedule set forth in Exhibit "A" Wastewater Permit/Inspection/Connection Fee Schedule, which may be amended from time to time, shall be paid to the Village of Big Rock at the time the application is filed.

- Sec. 4 A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations, and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- Sec. 5 All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village of Big Rock from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 6 Except as otherwise approved by the Village of Big Rock, a separate and independent building sewer shall be provided for every building.
- Sec. 7 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Village, to meet all requirements of this Ordinance and other applicable Village of Big Rock codes.
- Sec. 8 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village of Big Rock. In absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Environment Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois, current edition, shall apply.
- Sec. 9 The building sewer shall be brought to the building at an elevation not more than thirty-six (36) inches below the lowest ground surface elevation surrounding the premises. In all buildings in which plumbing drain fixtures are located in dwelling spaces that are below the lowest ground surface elevation surrounding the premises, the sanitary sewage conveyed by such drain fixtures shall be lifted by a means of a pumping system which complies with Illinois State Plumbing Code and which discharges to the building sewer that serves the plumbing drain fixtures that are above the ground surface surrounding the building.
- Sec. 10 No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 11 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village of Big Rock, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Environment Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials

must be approved by the Village before installation.

- Sec. 12 The applicant for the building sewer permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village's representative.
- Sec. 13 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, and parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village of Big Rock.
- Sec. 14 No excavations for improvements on private property over the Septic Tank Effluent Pumping (STEP) tank shall be allowed. No building improvements that enclose the control panel or disconnect for the STEP tank shall be allowed without the re-location of those items for general access by a licensed electrician with an approved electrical permit in compliance with electrical code and reviewed by the System Operator.

ARTICLE IV
Use of Public Sewers

- Sec. 1 No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Sec. 2 Stormwater 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 Village of Big Rock. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village of Big Rock, to a storm sewer, combined sewer, or natural outlet.
- Sec. 3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
 - (c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- Sec. 4 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Village that's such wastes can harm either the sewers sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Village will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:
- (a) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), (65°C).
 - (b) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150°F), (0 and 65°C).
 - (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village.
 - (d) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
 - (e) Any waters or wastes containing iron, chromium, copper, zinc or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.
 - (f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

- (h) Any wastes or waters having a pH in excess of 9.5.
- (i) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Village in compliance with applicable State and Federal regulations.
- (j) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Village in compliance with applicable State and Federal regulations.
- (k) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - (4) Unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.
- (l) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- (m) Wastewater Haulers, Septage or RV Holding tank wastes.

Sec. 5 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 4 of this Article, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Village 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 Village may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 11 of this Article.

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

Sec. 6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village, and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 7 Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

Sec. 8 Each industry shall be required to install a control manhole and, when required by the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Village. 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.

Sec. 9 The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Ordinance and any

special conditions for discharge established by the Village of Big Rock or regulatory agencies having jurisdiction over the discharge.

The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village of Big Rock, but not less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village of Big Rock at such times and in such a manner as prescribed by the Village of Big Rock. The owner shall bear the expense of all measurements, analyses, and reporting as required by the Village of Big Rock. At such times as deemed necessary, the Village of Big Rock reserves the right to take measurements and samples for analysis by an outside laboratory service.

Sec. 10 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of IEPA Division of Laboratories Manual of Laboratory Methods, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage work sand to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

Sec.11 No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village of Big Rock and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village of Big Rock for treatment, subject to payment therefore, in accordance with Article I, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System.

ARTICLE V
Protection of Sewage Works from Damage

- Sec. 1 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and/or shall be subject to a citation issued by the Village of Big Rock and penalties as set forth in Article VII of this Ordinance.

ARTICLE VI
Powers and Authority of Inspectors

- Sec. 1 The duly authorized employees and agents of the Village of Big Rock, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance.

The Village of Big Rock and its representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

- Sec. 2 While performing the necessary work on private properties referred to in Article VI, Section I above, the duly authorized employees and/or agents of the Village of Big Rock, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to Village of Big Rock employees and/or agents and the Village of Big Rock shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operating, except as such may be caused by negligence or failure of the company to maintain conditions as required in Article IV, Section 9.

- Sec. 3 The duly authorized employees and/or agents of the Village of Big Rock bearing proper credentials and identification shall be permitted to enter all private properties located within the Wastewater Disposal Zone duly created with the adoption of Ordinance No. 2010-21 AN ORDINANCE ESTABLISHING A WASTEWATER DISPOSAL ZONE WITHIN THE VILLAGE OF BIG ROCK on July 13th, 2010 for the purposes enumerated in said ordinance. All entry and subsequent work, if any, on any property within the boundaries of the Zone, shall be done in full accordance with the statutory authority of the Municipal Wastewater Disposal Zone Act (65 ILCS 90/).

- Sec. 4 The duly authorized employees and/or agents of the Village of Big Rock are further authorized to issue notices of violations, citations, and complaints against any person who is found to have violated any provision of this Ordinance.

ARTICLE VII
Penalties

Sec. 1 Any person found to be violating any provision of this Ordinance ~~except Article V shall~~ may be served by the Village of Big Rock 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 and/or correct all violations. The Village of Big Rock may revoke any permit for sewage disposal and disconnect service as a result of any violation of any provision of this Ordinance, in accordance with the procedures for disconnection set forth in the Village's "Ordinance Regulating: The Levying of Charges for Wastewater Services (User Charges)," as may be amended from time to time.

Sec. 2 In addition to or in lieu of the permit revocation and disconnection remedy provided above, Any person who shall continue any violation beyond the time limit provided for in Article VII, Section I, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one thousand dollars (\$1,000.00) for each violation. deemed in violation of this Ordinance and may be served with a citation by the Village of Big Rock requiring an appearance before an Administrative Adjudication Hearing Officer or may be served with a complaint by the Village of Big Rock requiring an appearance in the Circuit Court of Kane County. Any person found to be in violation of any provision of this Ordinance shall be subject to a fine of up to \$750.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

In addition to the penalties provided herein, and if authorized by State statutes, the Village of Big Rock may recover its reasonable attorney's fees, court costs, and other expenses of administrative adjudication or litigation by ~~appropriate suite at law~~ against the person found to have violated this Ordinance or the orders, rules, regulations and permits issued hereunder.

~~Sec. 3 Any person violating any of the provisions of this Ordinance shall become liable to the Village of Big Rock by reasons of such violation.~~

Sec. 4~~3~~ A violation of any of the provisions of this Ordinance is hereby declared to constitute a nuisance. In addition to the remedies set forth above in this Article, the Village may also seek appropriate equitable relief to enjoin said nuisance.

ARTICLE VIII
Validity

Sec. 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE IX
Ordinance in Force

Sec. 1 This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

APPENDIX

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Sec. 1 Federal Government

“Federal Act” means the Federal Clean Water Act (33 U.S.C. 466 et seq) as amended, (Pub. L. 95-217).

“Administrator” means the Administrator of the U.S. Environmental Protection Agency.

“Federal Grant” shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

Sec. 2 State Government

“State Act” means the Illinois Anti-Pollution Bond Act of 1970.

“Director” means the Director of the Illinois Environmental Protection Agency.

“State Grant” shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

Sec. 3 Local Government

“Ordinance” means this ordinance.

“Village” means the Village of Big Rock

“Approving Authority” means the Sewer Superintendent of the Village of Big Rock.

Sec. 4 “Person” shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

Sec. 5 “NPDES Permit” means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

Sec. 6 Clarification of word usage: “Shall” is mandatory; “may” is permissible.

Sec. 7 Wastewater and its characteristics:

“Wastewater” shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

“Sewage” is used interchangeably with “wastewater”.

“Effluent Criteria” are defined in any applicable “NPDES Permit.”

“Water Quality Standards” are defined in the Water Pollution Regulations of Illinois.

“Unpolluted Water” is water quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

“ppm” shall mean parts per million by weight.

“Milligrams per Liter” shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is

approximately equivalent, in reporting the results of water and wastewater analysis.

“Total Suspended Solids” (TSS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the IEPA Division of Laboratories Manual of Laboratory Methods.

“BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

“pH” shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

“Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of food.

“Properly Shredded Garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

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

“Population Equivalent” is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.22 pounds of BOD and 0.25 pounds of total suspended solids.

“Residential Equivalency Unit” is the expected average daily flow of three hundred (300) gallons per day (gpd) of normal domestic concentrations. The expected average daily flow rates for each parcel shall be determined based on the Illinois Environmental Protection Agency’s usage standards or other generally recognized professional standards for usage. The REU’s for a parcel’s use will be calculated from the daily flow rate. Any portion thereof shall be rounded to the nearest ½ REU using standard mathematical truncating rules with a minimum of 1 REU assigned to any developed parcel.

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

“Industrial Waste” shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

“Major Contributing Industry” shall mean an industrial user of the publicly owned treatment works that: (a) Has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or (d) is found by the permit issuant authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

Sec. 8 Sewer types, and appurtenances:

“Sewer” shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

“Public Sewer” shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary (or combined sewer system), even though those sewers may not have been constructed with Village funds.

“Sanitary Sewer” shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into

which storm, surface, and ground waters or polluted industrial wastes are not intentionally admitted.

“Storm Sewer” shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

“Combined Sewer” shall mean a sewer which is designed and intended to receive wastewater, storm, surface, and groundwater drainage.

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

“Building Drain” shall mean that part of the lowest 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 or other approved point of discharge, beginning five (5) feet (1.5 meters) from the furthest improvement on the private property.

“Storm water Runoff” shall mean that portion of the precipitation that is drained into the sewers.

“Sewerage” shall mean the system of sewer and appurtenances for the collection, transportation and pumping of sewage.

“Easement” shall mean an acquired legal right for the specific use of land owned by others.

Sec. 9 Treatment:

“Pretreatment” shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

“Wastewater Treatment Works” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “pollution control plant”.

Sec. 10 “Wastewater Facilities” shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

Sec. 11 Watercourse and connections:

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

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

Sec. 12 User types:

“User Class” shall mean the type of user “residential, institutional/governmental, commercial”, or “industrial” as defined herein.

“Residential User” shall mean all dwelling units such as houses, mobile homes, apartments, permanent multi-family dwellings.

“Commercial User” shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

“Institutional/Governmental User” shall include schools, churches, penal institutions, and users associated with Federal, State, and local governments.

“Industrial Users” shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

“Control Manhole” shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a “control manhole” is to provide access for the Village representative to sample and/or measure discharges.

EXHIBIT "A"

WASTEWATER PERMIT/INSPECTION/ AND CONNECTION FEE SCHEDULE

A Residential Equivalency Unit (REU) shall be defined as an expected average daily flow of three hundred (300) gallons per day (gpd) of normal domestic concentrations. The expected average daily flow rates for each parcel shall be determined based on the Illinois Environmental Protection Agency's usage standards or other generally recognized professional standards for usage. The REU's for a parcel's use will be calculated from the daily flow rate. Any portion thereof shall be rounded to the nearest ½ REU using standard mathematical truncating rules with a minimum of 1 REU assigned to any developed parcel.

A. Undeveloped properties assessed under the tax levy for the Village of Big Rock's Special Service Area No. 1

- | | |
|---------------------------------|--|
| a. Single Family Dwelling Unit: | No connection fee |
| b. Multiple Family Dwelling: | \$6,000 per residential unit |
| c. Commercial Occupancy | No connection fee for the first REU equivalency in usage; \$6,000 for each additional REU equivalency in usage |
| d. Institutional Occupancy | same as "c" above |
| d. Industrial Occupancy: | same as "c" above |

B. Properties not assessed under the tax levy for the Village of Big Rock's Special Service Area No. 1 whether outside the boundaries of the service area or newly created parcels within the service area

- | | |
|---------------------------------|--------------------------------------|
| a. Single Family Dwelling Unit: | \$6,000 per connection |
| b. Multiple Family Dwelling: | \$6,000 per residential unit |
| c. Commercial Occupancy | \$6,000 per REU equivalency in usage |
| d. Institutional Occupancy | \$6,000 per REU equivalency in usage |
| d. Industrial Occupancy: | \$6,000 per REU equivalency in usage |