

ORDINANCE NO. F-1698

AN ORDINANCE AMENDING CHAPTER 74, ARTICLE III, SEWERS AND SEWAGE DISPOSAL; ARTICLE VIII, COLLECTION OF FEES AND CHARGES; AND ESTABLISHING NECESSARY PROGRAMS FOR THE INSPECTION, REPAIR AND MAINTENANCE OF PUBLIC AND PRIVATE SOURCES OF INFLOW AND INFILTRATION

WHEREAS, the City of Wheaton (“City”) owns, operates and maintains sanitary sewers within the Corporate Boundaries of the City for the promotion of the public health, safety and welfare of its residents; and

WHEREAS, the City recognizes that sanitary overflows and backups are a prime concern of Wheaton residents and their quality of life; and

WHEREAS, the United States Environmental Protection Agency is developing rules and regulations for sewer system operators to follow to reduce and/or eliminate overflows and backups; and

WHEREAS, the City partnered with the Wheaton Sanitary District to fund an engineering study to develop a Wet Weather Facility Plan for the District wastewater treatment plant and the sanitary sewer collection system tributary to the plant which resulted in the development of a Sanitary Sewer Capacity Assurance Capital Improvement Plan (“Plan”) to reduce sanitary sewer overflows and backups; and

WHEREAS, the Plan prioritized upgrades and repairs to reduce sanitary overflows and backups in the system caused by clear water inflow and infiltration; and

WHEREAS, the City completed a sanitary sewer investigation and rehabilitation study for Wheaton Sanitary Sewer Basin 4 (“Basin 4 Study”) to identify sources of inflow and infiltration to target for elimination; and

WHEREAS, Basin 4 Study identified that a majority of inflow and infiltration entering the sanitary sewer system in Basin 4 is from private sector sources such as roof downspouts, unsealed cleanouts, area drains (contributing 1% of infiltration), sump pumps (contributing 11% of infiltration), building sewer service laterals (contributing 42% of infiltration), and building foundation drains (contributing 44% of infiltration); and

WHEREAS, the Corporate Authorities of the City in order to promote the public health, safety, and welfare of its residents and to reduce inflow and infiltration causing sanitary sewer overflows and backups have determined that it is necessary and appropriate to establish appropriate programs for the inspection, maintenance and repair of private and public sources of inflow and infiltration.

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule authority that Chapter 74, Utilities, of the Wheaton City Code, 1996, as amended, is hereby further amended as follows:

Section 1. Chapter 74, Article III, Sewers and Sewage Disposal, shall be deleted in its entirety and replaced with the following.

“SEWERS AND SEWAGE DISPOSAL

DIVISION 1. GENERALLY

Sec. 74-51. Administration of article.

The construction, operation, maintenance and repair of all sewers and sewer service lines, including the connection of all sewer mains within street or alley rights-of-way, or on easements granted to the City, shall be under the direction of and subject to the approval of the engineering and/or public works department, whether owned, constructed or maintained by the City or by private firms, individuals, utility companies, or property owner associations.

Sec. 74-52. Separate systems.

The sewer system of the City shall consist of a separate stormwater system and a sanitary sewer system.

Sec. 74-53. Connection--Required where system available.

All waste matter or discharges of any kind from sinks, water closets, bathrooms and plumbing upon premises abutting upon or within 400 feet of a sanitary sewer and within the corporate boundaries of the City shall connect to and drain into the sanitary sewer system of the City, or sanitary district in conformance with all of the provisions of this article or other applicable sanitations codes. Notwithstanding the provisions of this section, premises primarily used and maintained as cemeteries or other dedicated burial grounds shall be exempt so long as they have acceptable means to collect and dispose of sanitary waste matter in accordance with other applicable sanitation laws, codes and ordinances.

Sec. 74-54. Same--Time within which to be made when system becomes available.

When the public sanitary sewer system is extended into areas not previously served, all properties not connected to the sanitary sewer system shall make such necessary connection in not more than two years from the date of completion of the sewer system.

Sec. 74-55. Prohibited connections/Infiltration.

It shall be unlawful to introduce, make, or allow any sewer connections designed to or which could permit the introduction of any stormwater, surface or roof runoff, groundwater, liquid

petroleum products or any material which is or could form an explosive or flammable substance into the sanitary sewer system.

Sec. 74-56. Discharge of untreated matter into streams, ditches, other areas prohibited.

It shall be unlawful to discharge untreated sewage or the effluent from any septic tank directly or indirectly into any stream, drainage ditch, storm sewer or upon any ground surface.

Sec. 74-57. Deposits of materials which may obstruct sewer prohibited.

It shall be unlawful to throw or deposit in any receptacle connected within the public sewer system or within such system any solid matter such as kitchen refuse, rags, hairs, wires, ashes, wood or any other matter whatsoever which may have a tendency to become lodged in or obstruct any sewer pipe.

Sec. 74-58. Construction, maintenance of cesspools, privy vaults, septic tanks.

It shall be unlawful for any person to construct or maintain any cesspool, privy vault or septic tank under any of the following circumstances:

- (1) Within 400 feet of the public sewer system or on property abutting such system;
- (2) Within 40 feet of any school, church or public building;
- (3) Within ten feet of any dwelling;
- (4) Within five feet of any side lot line;
- (5) Within 50 feet of any well or cistern;
- (6) On property which contains an area of less than 20,000 square feet; or
- (7) On property which violates any of the requirements of the county health department.

Sec. 74-59. Construction specifications--Sanitary sewer.

All sanitary sewers and storm sewers, including sewer service lines, and their related joint materials, shall be constructed of materials and meet those standards as set forth in the Standard Specifications for Water and Sewer Main Construction in Illinois, most recent addition, and as may be amended from time to time.

Sec. 74-60. Sanitary or storm sewer service lines defined.

A sanitary or storm sewer service line shall consist of the sewer line from, and including the connection to, the City sewer main to the building or improvement being served.

Sec. 74-61. Individual service lines required; exceptions.

(a) Sanitary sewer services. The construction of a sanitary sewer service which serves more than one parcel or lot is prohibited. Individual sanitary sewer lines shall be constructed to connect the public sewer main to each parcel or lot separately.

(b) Storm sewer services. The construction of a storm sewer service which serves more than one parcel or lot will be permitted under the following conditions:

- (1) That the storm sewer service is constructed generally along the common property line.
- (2) That a common maintenance easement be provided.

In all other cases, individual storm sewer service lines shall be constructed to connect the public sewer main to each parcel or lot separately.

Sec. 74-62. Inspection, approval of service lines.

No part of a sewer or sewer service line shall be covered until inspected and approved by an authorized City inspector.

Sec. 74-63. Service lines to remain property of owner; responsibility for maintenance; City program(s).

Sewer service lines shall remain the property of the owner of the lot or parcel of real estate being served and the proper maintenance and operation of the sewer service lines and any required repairs shall be the responsibility of such property owner. Proper maintenance shall mean keeping the sewer service lines in satisfactory working condition and in a state of good repair, including but not limited to, preventing any obstructions or allowing any extraneous material or flow from entering said sewer service lines, protecting said sewer service lines from any damage and keeping said sewer service lines free from defects or malfunctions, and making necessary provisions and taking necessary precautions to assure that said sewer service lines are at all times capable of satisfactorily performing the services and adequately discharging the functions and producing the final results and purposes said sewer service lines are intended to perform, discharge or produce as required by this Chapter.

The City may from time to time offer a program funded by the City for repair of the sanitary sewer service lines with work commencing after notice is provided to the property owner. The program may include installation of a cleanout on private property and rehabilitation of the sanitary sewer service line from the installed cleanout to the public sanitary sewer.

Sec. 74-64. Method of connecting sewer lines.

Connection of sewer service lines to the City sewers shall be by means of a manufactured wye or tee connection in the City sewer or by other means as approved by the City and as identified in

City specifications. Actual tapping of the City sewer, when necessary, shall be done only when an authorized City inspector is present.

Sec. 74-65. Separate connections required.

Separate connections shall be made and maintained for storm sewer lines and sanitary sewer lines.

Sec. 74-66. Connection to sanitary sewer of contiguous unincorporated property.

No property contiguous to the City limits and not located within the corporate limits of another municipality shall be permitted to connect to the City sewer lines until such property shall have been annexed to the City; except that property which is contiguous to the City limits and which is the subject of a valid and enforceable boundary agreement or planning jurisdiction agreement, which agreement prohibits or discourages the annexation of the territory to the City, may be permitted to connect to City sewer lines when the City Council determines that such connection is in the best interest of the citizens of the City and when the boundary agreement or planning jurisdiction agreement does not prohibit such connection or, if such connection is prohibited, where the municipalities which are parties to the boundary agreement or planning jurisdiction agreement consent to such connection.

(1) Connection at owner's expense. The owner of any such property which does not front on a street in which a City sewer line is located shall be required to install, at his own expense, all necessary sewer lines in accordance with City specifications and requirements, and in addition thereto shall comply with all of the requirements set forth in subsections (2) and (3) of this section.

(2) Fees. For each property improved by a single-family residence, the fee for connecting to the City sewer line shall be in accordance with Appendix B (Fee Schedule).

(3) Building other than single-family residence. For each property improved by any building other than a single-family residence, the fee for connecting to the City sewer line shall be in accordance with the schedule of fees adopted from time to time by the City Council and on file in the office of the City Clerk.

Sec. 74-67. Connection to sanitary sewer of property not contiguous to City or contiguous but located in another municipality.

Provided that the building to be served is within 250 feet of a City sanitary sewer line, property within the City sanitary district and not contiguous to the City or contiguous to the City but located within the corporate limits of another municipality may be connected to the sanitary sewer lines of the City upon payment of a connection fee and upon compliance with the following conditions:

(1) Connection at owner's expense. The owner of any such property which does not front on a street in which a City sewer line is located shall be required to install, at his own expense, the

necessary lateral sewer lines in accordance with City specifications and requirements, and in addition thereto shall comply with all of the requirements set forth in subsections (2), (3) and (4) of this section.

(2) Fee. Fees for permits and work required under this section shall be in accordance with Appendix B (Fee Schedule) of this Code.

(3) Buildings other than single-family residence. For each property improved by any building other than a single-family residence, the fee shall be such amount as may be determined by the City Council on recommendation of the director of public works as computed on the basis of estimated water consumption.

(4) Sewer rental fee. The owner of each such property shall pay to the City, in addition to such connection fee, a sewer rental fee assessed in accordance with the schedule of fees adopted from time to time by the City Council and on file in the office of the City Clerk.

Sec. 74-68. Stormwater drainage--Generally.

(a) No person shall construct any building, structure or portion thereof on any lot or parcel of land without first making adequate provisions for stormwater drainage.

(b) It shall be unlawful for any person to dispose of roof or ground drainage in such a manner that it directly discharges onto the property owned by another, or onto any City street, alley, sidewalk or right-of-way.

(c) It shall be unlawful for any person to alter or change the existing elevations of their property, or to obstruct or interfere with any natural or existing drainage system, without first making adequate provisions for alternate stormwater drainage, as approved by the City Director of Engineering.

(d) It shall be unlawful for any person to obstruct any drainage ditch, stream or other watercourse by throwing or introducing into such ditch, stream or watercourse any debris or material which may interfere with the flow of water therein, or cause a blockage of the ditch, stream or watercourse by accumulation of such debris at any point along the watercourse. Further, the storage of any debris or material along the banks or within an area measured 25 feet perpendicular to the banks of any drainage ditch, stream or watercourse is not permitted.

(e) It shall be unlawful for any person to permit or allow any stagnant pool of water resulting from roof water, groundwater, or stormwater to remain or exist on any property under the person's control, or on any adjacent right-of-way property which the person has the responsibility to maintain.

(f) It shall be unlawful for any person to dispose of or discharge roof or ground drainage in such a manner that it overflows onto any right-of-way where such drainage overflow may cause eventual damage to or undermine the existing street improvements (street, walk, parkways, etc.).

(g) It shall be unlawful for any person in any manner to obstruct, pollute or contaminate any drainage ditch, stream or other watercourse, or source of water supply, in the City. It shall also be unlawful for any person to discharge any flammable or combustible liquids, or any waste liquid containing petroleum or its products, into or upon any street, sidewalk, drainage ditch, storm or sanitary drain or flood control channel, lake or waterway, or upon the ground.

(h) Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this section shall be subject to punishment as provided in Section 1-8 of this Code. Each day such a violation continues to exist after written notification shall constitute a separate offense and shall require the imposition of a separate punishment.

Sec. 74-69. Prohibited Sources Into sanitary sewer.

(a) Prohibited. It shall be unlawful to allow or cause to be discharged into the sanitary sewer system any storm water, surface water, ground water, roof runoff water, sub-surface drainage, runoff water from ground or paved areas or any flows other than wastewater from any building, structure or real estate. The person whose name is on the records of the county tax collector or recorder of deeds for the building, structure or real estate in question shall be *prima facie* considered to be the owner or in control of the building, structure or real estate in question.

(b) The City may cause to be made from time to time periodic inspections of properties within the City with specific attention to storm water discharge sources and/or connections made to the sanitary sewer system. The City may require the property owner or property occupant to permit entry into the premises for the making of additional inspections of the premises to ascertain if storm water discharge sources and/or connections made to the sanitary sewer system are present. The City may inspect the sanitary sewer service line by televising, dye testing, or by other accepted investigation methods to determine the condition of the sanitary sewer service line and ascertain if storm water discharge is entering the sanitary sewer system. Upon completion of the aforementioned inspections, the City shall advise the property owner, in writing, if any prohibited discharge connections are observed and identify any City programs to assist the owner in complying with Section 74-69(a).

(c) In addition to the inspections contained in Section 74-69(b), the City may make other lawful tests and inspections of the sanitary sewer system and sanitary sewer service lines as it may deem necessary to locate such prohibited discharge sources and/or connections to the sanitary sewer system as may exist for the protection of the health and welfare of the public.

(d) Notice to abate. The City shall direct written notice, by certified mail, return receipt requested, to any person deemed to be in violation of Section 74-69(a). The notice shall request that the person abate and terminate the violation.

(e) Court citation. If the person fails to abate and terminate the violation of subsection (a) of this section within 30 days of the date of the written notice to such person, a citation against such person shall be filed in the circuit court for the 18th judicial circuit of the county, directed to

such person in the manner provided by law requiring the appearance of such person in such court.

(f) Penalty. Any person, who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this section shall be fined not less than \$100.00 nor more than \$750.00 for each offense. Each day such a violation continues to exist after written notification shall constitute a separate offense and shall require the imposition of a separate penalty.

Sec. 74-70. Acceptance of private utilities by City.

(a) Election of City. There presently exist certain private utilities within planned unit developments. The City, in its sole discretion, may elect to accept ownership of, and provide maintenance to, the utilities pursuant to the provisions of this section.

(b) Utilities which may be transferred to and maintained by the City. The following private utilities may be transferred to and maintained by the City pursuant to the provisions of this section:

(1) Water system: Water mains and extensions from the water main, up to and including the master B-box, curb stop, or shutoff valve, whichever is nearest to the water main.

(2) Sanitary sewer: Sanitary sewer main lines only. Sanitary sewer service line from the main line to the improvement served by the main line shall remain the responsibility of the owner of the improvement.

(3) Storm sewer: Storm sewer mains which run through the planned unit development and connect on each end to storm sewer mains not within the planned unit development.

(c) Request for transfer of utilities. If a homeowners' or condominium association of a planned unit development desires to transfer ownership of, and maintenance to, any private utility recited in subsection (b) of this section to the City, it shall, in writing, request the City to accept and maintain the utility. The written request shall contain the following:

(1) Name of planned unit development and description of utilities to be transferred.

(2) Signature of president and secretary of the association of the planned unit development.

(3) Affidavit and warranty that the utility is owned by the association, and that there are no liens, judgments, or other encumbrances which adversely affect the title of the utility.

(4) A certified copy of the minutes of the board of directors of the association at which there was an affirmative vote to request the transfer of ownership of the utility to the City.

(d) Inspection of utility. Upon receipt of the written request to accept and maintain a private utility pursuant to this section, the City may cause the utility to be inspected for the purpose of determining the condition, quality, and general location of the utility in order to determine if it will accept and maintain the utility. Thereafter, the City shall advise the association, in writing, what repairs, if any, must be performed to the utility to cause it to conform to the standards recited in this section. Upon confirmation by the City that the utility conforms to the standards recited in this section, and upon further compliance with the terms of this section, the City, by ordinance, may accept ownership of the utility or utilities. If the City determines that it will not accept ownership and maintenance of the utility, it shall advise the association, in writing.

(e) Conditions precedent to transfer of ownership. All of the following shall be conditions precedent to transfer of ownership of the private utility by the association to the City and acceptance of the utility by the City:

(1) The utility shall conform with the original plans and specifications for the planned unit and shall be in good workmanlike condition. Any defects or deficiencies in the utility shall be repaired at the expense of the association; repairs shall be subject to the inspection and approval of the City. The determination of the City as to the quality and condition of the utility shall be final.

(2) The association shall cause plans illustrating the precise and exact location of the utility and its component parts (i.e., manholes, B-boxes, water service valves, and the like), together with those private utilities not being transferred to the City, including, but not limited to, underground gas and electric lines and sprinkling systems, to be prepared by a licensed professional engineer. The plans shall be subject to the reasonable approval of the City engineer.

(3) A permanent easement shall be granted by the association to the City providing for access to and maintenance of the utility. The form of the easement shall be subject to the approval of the City's Attorney.

(f) Transfer of utilities. The ownership of the private utility to be transferred to the City shall be effected by means of a bill of sale and deed of dedication, describing the utility and subject to the reasonable approval of the City Attorney. A certified copy of the resolution of the board of directors, or membership of the association, at large, whichever the bylaws of the association require, authorizing the transfer of the utility, shall be attached to the bill of sale. Additionally, the board of directors of the association shall execute an affidavit reciting and warranting that:

- (1) There are no liens or judgments which adversely affect title to the utility; and
- (2) There are no substantial defects in the utility; and
- (3) The association is the owner of the utility.

DIVISION 2.
SEWER WORK PERMITS

Sec. 74-91. Required.

It shall be unlawful to construct, remove, alter or repair any sewer, sewer service line or sewer connection without first having secured a permit therefor.

Sec. 74-92. Application.

All applications for permits required by section 74-91 shall be on forms furnished by the City for that purpose and shall include complete details of the nature and location of the work to be done, the name of the person contracting to have the work done and the name of the person who is to do the actual work. Where any sewer or water service connections are to be made, a scale drawing showing the location of proposed and existing water and sewer lines, together with accurate elevations and slope of sewer lines, shall accompany the application.

Sec. 74-93. Fees.

Fees for permits and work required under this article shall be in accordance with Appendix B (Fee Schedule) of this Code.

Sec. 74-94. Bond required.

Each applicant for a permit required by this division shall file a bond in the amount of \$10,000.00, with surety to be approved by the City Attorney, conditioned to indemnify the City for any loss or damage resulting from the work undertaken or the manner of doing such work.

Sec. 74-95. Insurance.

(a) Required. Each applicant for a permit required by this division shall carry adequate public liability and property damage insurance to indemnify the City in case of any accident or damage occurring in conjunction with or as a result of the work being done under the permit. The City shall be named as an additional insured in any policy.

(b) Approval of form. The form of insurance required in this section shall be subject to the approval of the City Attorney.

(c) Amount. Limits of liability insurance required by this section shall be at least \$100,000.00, for injury to any one person, \$500,000.00 for injury resulting from any one accident, and \$50,000.00 for injury to any property.

(d) Cancellation or lapse. The insurance required in this section may not be canceled until completion of the work for which a permit is issued and following final inspection and approval of the work by the City. Cancellation or lapse of the insurance required in this section shall terminate any permit for which the policy provides coverage.

(e) Under annual permit. Insurance required by this section in connection with any structure of a permanent nature and requiring an annual permit shall run for the year for which the permit is granted.

Sec. 74-96. Additional fees.

In addition to a permit for any sewer construction requiring a street excavation, permit and inspection fees as required in section 58-3 shall be paid.

DIVISION 3. SEWERAGE SYSTEM SERVICE AND FUNDS

Subdivision I. In General

Sec. 74-106. Accounting.

The Finance Director shall establish a proper system of accounts and shall keep proper books, records and accounts, separate from all other records and accounts, in which complete and correct entries shall be made of all transactions relating to the sewerage system.

Sec. 74-107. Funds to be kept separate.

The Finance Director shall keep separate and apart from all other funds of the City any and all fees and charges collected by the Finance Director in connection with the operation of the sewerage system.

Sec. 74-108. Disposition of funds.

The Finance Director shall deposit the funds received from the operation of the sewerage system and all other funds and moneys incident to the operation of such system in a separate fund designated as the sewerage fund of the City, and shall divide and administer such fund in every respect in the manner provided in this division.

Sec. 74-109. Payments from sewerage fund.

The funds and moneys deposited in the sewerage fund of the City shall be paid out by the Finance Director upon due authorization of the City Council for the following purposes only:

- (1) Maintenance and repair of the existing sewerage system.
- (2) Extensions and alterations to the existing sewerage system.
- (3) The City's share of the cost of special assessment projects covering new sewerage systems, including only that portion which is assessed against the City as a public benefit.

Subdivision II.
Rates and Charges

Sec. 74-121. Fees for service.

A fee shall be charged for the service of all premises connected to the City sewerage system. The amount of this fee shall be as determined in the schedule of rates set out in article VI of this chapter.

Sec. 74-122. Charges to be monthly; when bills rendered.

Charges for sewerage services and stormwater management shall be made for each month of the year at periods which correspond to the period for which the use of the water is charged.

Sec. 74-123. When bills due and payable.

Bills for sewerage services and stormwater management shall be due and payable within 25 days of the rendition of the bill.

Sec. 74-124. When charges delinquent.

If the charges for sewerage service and stormwater management are not paid within 30 days from the rendition of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent.

Sec. 74-125. Lien--Created.

A delinquency as declared by section 74-124 shall from its inception constitute a lien upon the real estate for which sewerage service is supplied.

Sec. 74-126. Same--Notice.

The Finance Director is hereby authorized and directed to file sworn statements showing such delinquencies as are declared by section 74-125, in the office of the recorder of deeds of the county, and the filing of such statement shall be deemed notice of the lien of delinquent charges for such sewerage service.

Sec. 74-127. Discontinuance of water service for nonpayment.

If the rates or charges for sewerage service and stormwater management are not paid within 45 days after rendition of the bill therefore, the water service to such premises shall be discontinued.

Sec. 74-128. Unmetered Sanitary Sewer Service.

For unmetered sanitary sewer service only, there shall be a flat charge in accordance with Appendix B (Fee Schedule) of this Code. Any user served by the sewage system only of the

City may install, or the City may require any user to install, a City meter to measure the amount of private water supply entering such sewage system. Such meter shall be subject to the same regulations and control as all City owned water supplies. When private water is metered, the rate for the sanitary sewer service only shall be in accordance with Appendix B (Fee Schedule) of this Code."

Section 2: Chapter 74, Article VIII, Collection of Fees and Charges, shall be deleted in its entirety and replaced with the following.

"COLLECTION OF FEES AND CHARGES

Sec. 74-336. Monthly billing; when payment due; billing for nonmetered service.

(a) The City shall render bills on a monthly basis, unless specifically stated otherwise, for all service and charges and shall collect all moneys due under this chapter. Such bills are payable within 25 days of issuance. If payment of the bill is not made within 25 days, a five percent penalty will be applied to the delinquent amount.

(b) Whenever the water meter fails to register properly, the consumer shall be charged the amount billed for a corresponding time of the previous year. If no record of the previous year exists or if consumption is abnormal, it shall be the duty of the City to estimate the amount of water used.

Sec. 74-337. Charges for final bill.

Final bills for water service, sanitary sewer service and stormwater management will be rendered for the actual usage for the period of time from the last reading to the final reading.

Sec. 74-338. Delinquent payments; order to discontinue service; reinstatement of service.

(a) Statements rendered for water service, sanitary sewer service and stormwater management not paid within 30 days shall be deemed, and are hereby declared, delinquent. Fifteen days thereafter, the City shall declare such delinquent bill in default and order such service discontinued. All such services declared in default shall be assessed an administrative charge of \$20.00. In addition, such services will not be reinstated until all past due bills are paid in full. For reinstating service during normal working business hours, an additional fee of \$50.00 shall be due. For reinstating service after normal business hours, or on Saturday, Sunday or a holiday, an additional fee of \$100.00 is due. (b) No consumer owing water, sanitary sewer or stormwater management charges who moves to another premises having water and/or sewer connections shall be supplied with water until delinquent bills are satisfied.

Sec. 74-339. Filing notice of lien for bills in default.

In case of default in the payment of any water charges, the City Clerk shall cause to be filed, within six months after such water charges became due and payable, a notice of lien upon the real estate for which such service has been supplied, with the county recorder of deeds. Such notice of lien shall state the name of the party to whom water service had been furnished, the unpaid balance due for such defaulted water charges, and the legal description of the premises for which service had been supplied.

Sec. 74-340. Priority of lien.

Upon the filing of the notice provided for in section 74-339, the water lien shall be a prior and superior charge upon such real estate and shall thereafter be enforceable against the owner of all estates or interests in such real estate and all creditors, encumbrances and purchasers.

Sec. 74-341. Venue of suit to enforce lien.

The City may bring suit to enforce its water lien either before or after filing notice in any court of competent jurisdiction in the county. If the lien relates to two or more premises, then all such premises may be included in one complaint.

Sec. 74-342. City's intervention in pending suits.

The City may intervene for the enforcement of its water lien in any proceeding pending in any court having jurisdiction for the enforcement of any other liens asserted against the real estate involved.

Sec. 74-343. Limitations on enforcement of lien.

Suit for the enforcement of a water lien shall be commenced or an intervening petition filed by the City in a pending suit for such purpose within two years after the unpaid water rates or charges became due.

Sec. 74-344. Decedent's representative a proper party.

The representatives of any person who may die pending the suit to enforce a water lien shall be made parties thereto.

Sec. 74-345. Petition and procedure.

The petition for the enforcement of a water lien shall contain a brief statement of the account on which it is founded, the period of time for which it is due and the date upon which the account became due and payable, and shall also set forth the amount due and unpaid, the description of the premises or real estate which is subject to the lien and such other facts as may be necessary to a full understanding of the rights of the parties. The petitioner shall make all parties of whose interest it is notified or has knowledge parties defendant, and summons shall issue and service thereof be had as in other civil actions. The practice in suits or proceedings to enforce a water lien shall be the same as in other civil cases.

Sec. 74-346. Decree and sale.

Any decree entered for the enforcement of a water lien shall ascertain the amount due and direct a sale of the property for the payment thereof, together with all costs of the proceeding. If any part of the premises can be separated from the residue and sold without damage to the whole and the value thereof is sufficient to satisfy all the claims proved in the cause, the court may order a sale of that part.

Sec. 74-347. Manner of sale to satisfy water lien.

All sales under this article shall be held and conducted as nearly as may be upon like notice and in like manner as is provided for sales under judgments and executions at law, and the same rights of redemption shall exist in favor of the same person and may be made in the same manner.

Sec. 74-348. Disposition of collected fees and charges.

All revenues and moneys derived from the operation of the combined waterworks and sewerage system, including the moneys received for extension and collection fees, shall be held separate and apart from all other of the funds whatsoever; and all of such sum, without any deductions whatsoever, shall be delivered to the Finance Director not more than five days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the City Council.

Sec. 74-349. Establishment of system of accounts.

The Finance Director shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the combined waterworks and sewerage system; and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the combined waterworks and sewerage system.

Sec. 74-350. Discontinuance of service--Generally.

(a) The water supply shall be discontinued when it is found that:

(1) The water meter bill, repair bill or any other bill remains unpaid 45 days after the date of such bill.

(2) Employees of the water division have been denied access to the premises for the purpose of examining pipes, meter reading inside and outside, installation of new meter, replacement of old meter, or checking connections with the water supply.

(3) Failure to comply with section 74-178 of this Code.

(4) Failure to apply or false representation on application for water service.

(5) The owner or occupant, after notice, fails to repair any leaks in the water service extension.

(6) The water meter has been tampered with or the proper meter registration altered.

(7) Failure to comply with any other section of this chapter after being advised, in writing, to comply.

(b) When the water supply has been shut off, it shall not be turned on until the owner and/or occupant complies with the provisions of this chapter.

Sec. 74-351. Same--At request of county.

Upon the written request from the county, pursuant to the provisions of section 22 of the Illinois Water Supply, Drainage and Flood Control Act (55 ILCS 5/5-15021), and the terms of an intergovernmental agreement dated December 6, 1982 as may be amended, the City shall discontinue water supply to any premises which is delinquent, in an amount in excess of \$50.00, in paying any sewer charge to the county. The procedures and requirements for the discontinuance of service and the resumption thereof shall be as provided for in the aforesaid intergovernmental agreement. A copy of such agreement is on file in the office of the City clerk.

Sec. 74-352. Same--At request of Wheaton sanitary district.

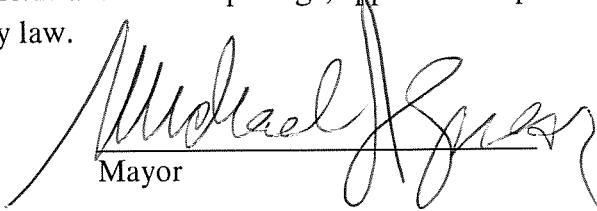
Upon the written request from the Wheaton sanitary district, pursuant to the terms of an intergovernmental agreement dated February 21, 1983 as may be amended, the City shall discontinue water supply to any premises which is delinquent, in an amount in excess of \$100.00, in paying any sewer charge to the district. The procedures and requirements for the discontinuance of service and the resumption thereof shall be provided for in the aforesaid intergovernmental agreement. A copy of such agreement is on file in the office of the City Clerk."

Section 3. All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 4. This ordinance shall be effective from and after its passage, approval and publication in pamphlet form in the manner prescribed by law.

ATTEST


Alan Bennett, City Clerk


Michael J. Sparer
Mayor

Ayes: Roll Call Vote
Councilman Scalzo
Councilman Suess
Councilman Mouhelis
Councilman Rutledge
Councilman Saline
Mayor Gesk
Councilwoman Pacino Sanguinetti

Nays: None

Absent: None

Motion Carried Unanimously

Passed: February 4, 2013
Published: February 5, 2013

