

Chapter 25

UTILITIES

Sections:

- 25.1ART. Article I. WATER**
- 25.1SEC. Water system owned and controlled by Village.**
- 25.2. Interference with water system.**
- 25.3. Nonliability of Village.**
- 25.4. Water not to be resold or redistributed.**
- 25.5. Regulations for water conservation.**
- 25.6. Right of entry.**
- 25.7. Administration of water department.**
- 25.8. Record of taps and connections.**
- 25.9. Supervision of work done in streets.**
- 25.10. Discontinuance of service--Danger to health, waste, unauthorized use.**
- 25.11. Use of public hydrants.**
- 25.12. Flushing of sanitary and storm sewers; permit required.**
- 25.13. Estimate of unmetered use of water.**
- 25.14. Meters required; Removal or disturbance of meters; Requirements and restrictions relating to meters.**
- 25.14ART. Article II. Consumer Accounts**
- 25.14DIV. Division 1. Administration**
- 25.15. Application for water tap and meter permit.**
- 25.16. Record of water use.**
- 25.17. Application for water service.**
- 25.18. Same--Deposit.**
- 25.19. Same--Same--Increase when inadequate.**
- 25.20. Denial of service.**
- 25.21. Notice of change of owner or tenant.**
- 25.22. Discontinuance of water service at customer's request.**
- 25.22DIV. Division 2. Meter Reading**
- 25.23. Reserved.**
- 25.24. Inaccurate meters.**
- 25.25. Same--Determination of charges.**
- 25.25DIV. Division 3. Charges for Service**
- 25.26. Liability for charges.**
- 25.27. Authority of Village to set rates.**
- 25.28. Rates to be for bimonthly consumption.**
- 25.29. Rates and charges for metered water.**
- 25.30. Reserved.**
- 25.31. Extra charges.**
- 25.32. Surcharges and special connection charges.**
- 25.33. Billing generally.**
- 25.33DIV. Division 4. Discontinuance of Service**
- 25.34. Authority to discontinue service.**
- 25.35. Procedure.**
- 25.36. Deferred payment agreements.**
- 25.37. Collection of unpaid charges by lien on property.**

Downers Grove Municipal Code

- 25.37ART. Article III. Connections and Extensions
- 25.38. Permit--Required; exception.
- 25.39. Same--Application.
- 25.40. Same--Fees.
- 25.41. Connections outside Village, annexation agreement required.
- 25.42. Specifications for main extensions and water service connections.
- 25.43. Water main and water service connections.
- 25.44. Maintenance and repair of water main extensions and water service pipes.
- 25.45. Leaks in mains, service pipes or accessories; repairs.
- 25.46. Installation of replacement water service pipes.
- 25.46ART. Article IV. Fire Protection System
- 25.47. Authority to install; installation generally.
- 25.48. Installation of meters.
- 25.49. Report of water use.
- 25.50. Estimate of water used by fire department through hydrants.
- 25.50ART. Article V. Cross Connections/Backflow Prevention Requirements.
- 25.51. Cross-connection prohibited; backflow prevention device required.
- 25.52. Private water wells; permit required.
- 25.53. Backflow preventers required for certain facilities.
- 25.54. Lawn sprinkler systems.
- 25.55. Fire Safety System Requirements.
- 25.56. Testing of backflow prevention devices; inspections; right to enter property; penalties.
- 25.57. Violation declared a public nuisance; penalties.
- 25.58ART. Article II. STORMWATER
- 25.58SEC. Purpose.
- 25.59. Stormwater Utility Established.
- 25.60. Stormwater Utility Fee Established.
- 25.61. Definitions.
- 25.62. Administration.
- 25.63. Nonliability of Village.
- 25.64. Interference with Stormwater System.
- 25.65. Classification of Parcels.
- 25.66. Stormwater Utility Fee Rates.
- 25.67. Stormwater Utility Fee Credits and Incentives.
- 25.68. Billing and Payment.
- 25.69. Appeals.
- 25.70. Lien and Collection.
- 25.71. Accounts.
- 25.72. Violations; Penalties.
- Section 25.1ART. Article I. WATER

(Ord. 5274, Amended, 08/21/2012)

Section 25.1SEC. Water system owned and controlled by Village.

The system of water supply and distribution established, built and constructed in the Village is public property under the control, jurisdiction and management of the Village. The water system and plant shall at all times be maintained, repaired, enlarged and extended under the authority and ownership of the Village. All extensions to the system located on public right of way or water utility easements granted to the Village

Downers Grove Municipal Code

shall become the property of the Village upon acceptance by the Village. (Ord. No. 2942, § 1.)

NOTE: For state law as to authority of Village to supply water, see Ill. Comp. Stat., Ch. 65, § 5/11-125-1, 5/11-126-1. As to authority of Village to regulate the use of the water supply, see Ill. Comp. Stat., Ch. 65, § 5/11-125-3, 5/11-126-4.
(Ord. 5274, Amended, 08/21/2012)

Section 25.2. Interference with water system.

(a) No person shall alter, interfere with or disturb the water system or appurtenances thereto without the permission of the Village Manager or the Village Manager's authorized representative.

(b) No person shall willfully or negligently break, injure or deface such water system and appurtenances, or commit any act which is intended to or which shall obstruct or impair the intended use thereof.

(c) No person, except for employees or agents of the Village, shall tamper with the water system so as to restore water service to a customer whose service has been discontinued pursuant to authority of Section 25-34. (Ord. No. 2942, § 1.)

Section 25.3. Nonliability of Village.

(a) No claim shall be made against the Village, its officers or employees on account of any interruption of or service of the supply of water; the leaking, breaking or bursting of any water main, service pipe or machinery; the disability of any of the appurtenances of the village water system, or damage to private property, real or personal, caused by normal operation of the water system.

(b) In all such cases, the Village reserves the right to stop the supply of water without notice until all repairs have been made and the water system again placed in a serviceable condition. It is understood that water is furnished to the consumers under these conditions.

(c) The Village reserves the right to shut off water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to same, for the concentrating of water in any part of the Village in case of fire, and for restricting the use of water in case of deficiency in supply, including the suspension of the use of water for sprinkling lawns or gardens. No claims shall be made against the Village by reason of the breaking of any service pipe or service cock, or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants or other connections, or repairing any part of the water system, or from failure of the water supply, or by increasing the water pressure at any time, or from concentrated or restricted use of water as above. (Ord. No. 2942, § 1.)

(Ord. 4519, Amended, 06/17/2003)

Section 25.4. Water not to be resold or redistributed.

No water from the Village water system shall be resold or distributed by any consumer to any premises other than that for which application has been made and approved. (Ord. No. 2942, § 1.)

Section 25.5. Regulations for water conservation.

(a) From May 15 through September 15 of each year, properties having even numbered addresses within the limits of the Village of Downers Grove or in unincorporated areas which are connected to the Village's water system may water lawns and gardens, wash cars, and fill swimming pools on even numbered days of the month, and properties having odd numbered addresses in such locations may water lawns and gardens, wash cars and fill swimming pools on odd numbered days, except that no such outside use of water shall be permitted between the hours of 11:00 a.m. and 4:00 p.m., and 11:00 p.m. to 4:00 a.m.

Downers Grove Municipal Code

(b) Washing of motor vehicles or trailers with recycled water shall be permitted at all times.

(c) The water department of the Village may grant a permit for the watering of new sod, newly seeded lawns and newly planted shrubs or trees subject to the following conditions:

(1) Such permit shall be valid only for a period of three weeks from the date sod, seed, shrubs or trees were installed, and shall not be renewable;

(2) Watering shall be permitted every day except between the hours of 11:00 a.m. and 4:00 p.m., and 11:00 p.m. to 4:00 a.m.;

(3) The fee for such permit shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" ;

(4) In the event of additional restrictions on use of outside water pursuant to subsection (f) hereof, such permits may be suspended upon reasonable written notice to the holder thereof.

(d) The Village Manager shall have the authority, pursuant to departmental procedures, to issue permits for watering in the event of unusual or unique circumstances.

(e) Except as provided in paragraph (f) of this section, from May 15 through September 15 of each year, all outside use of water which is not specifically permitted in this section shall be prohibited.

(f) Whenever, in the judgment of the Mayor, upon the advice and counsel of the Village Manager, it is determined that conservation of the water supply requires emergency action, the Mayor shall issue a public proclamation placing specific restrictions upon the use of water in accordance with the emergency water restriction plan established by the Village Manager, as the same may be amended from time to time. Such restrictions shall remain in full force and effect until the next regular meeting of the Village Council, at which time the Village Council shall be required, in order to maintain such restrictions, to ratify any determination by the Mayor that emergency conditions exist. Thereafter, such restrictions may be lifted or modified by the Mayor from time to time as deemed necessary. In all such cases, the Mayor shall notify the Village Council of such restrictions within twenty-four hours after they are imposed.

(g) Whenever specific restrictions on the outside use of water are imposed which are more restrictive than the restrictions established in paragraph (a) of this section, on-site storm retention facilities may be utilized for irrigation and watering of crops or landscaping; provided, that use of any pump supplying water to such facility from a private underground well shall be terminated, and only such water as remains in such facility or which fills such facility by natural rainfall or the natural flow of stormwater may be utilized during such period of restrictions on outside use of water. (Ord. No. 3229, § 1; Ord. No. 3301, § 1; Ord. No. 3311, §§ 1, 2, 3, 4, 5.)

(Ord. 5167, Amended, 11/09/2010; 3976, Amended, 10/06/1997; 3951, Amended, 06/30/1997)

Section 25.6. Right of entry.

The Village Manager or the Manager's authorized representatives shall, subject to applicable law, between the hours of 7:00 A.M. and sunset, have free access in and through any premises to which water is furnished by the Village for the purpose of inspecting the potable water pipes and fixtures, reading, testing consumption, use or flow, maintaining or replacing metering devices or ascertaining whether there may be unnecessary waste of water or any unauthorized connections. It is the property owner's or occupant's responsibility to cause the metering devices to be accessible to the Village at all times. The Village shall not be responsible for any damage caused by accessing the metering device. This provision shall constitute a condition in continuing water service to each water consumer. It shall be unlawful for any person to interfere with, prevent or obstruct the Village or its duly authorized agent in its duties hereunder.

Water consumers shall answer all questions of authorized water department representatives relative to consumption of water or connections of water pipes and fixtures. (Ord. No. 2942, § 1.)

(Ord. 5274, Amended, 08/21/2012; Ord. 4519, Amended, 06/17/2003; 4334, Amended, 11/06/2001)

Section 25.7. Administration of water department.

Downers Grove Municipal Code

(a) The Village Manager shall administer the affairs of the water department in accordance with the provisions of this chapter.

(b) It shall be the duty of the Village Manager or his/her authorized representative to preserve and protect all property of the Village relating to the water utility. He shall direct the laying of all public or private water pipes connected or to be connected to the water system of the Village and he shall authorize all tapping of water pipes or mains for public or private use; provided, however, that he shall not make nor permit a tap to be made by any person other than an agent of the Village, unless an application for service has been received and a tap and meter permit issued in accordance with the requirements of this chapter.

(c) The Village Manager or his/her authorized representative shall have charge of all machinery, equipment and appurtenances of the water department. He shall direct the making of all necessary repairs to the water system and equipment of the department and supervise all turning on and shutting off of water. (Ord. No. 2942, § 1.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s))

Section 25.8. Record of taps and connections.

The Village Manager or the Manager's authorized representative shall keep a complete accurate record of all taps and connections made within the water system. His/her records shall include the exact location, number, size and type of taps or connections; the length, size and composition of all service pipes; the location, size and type of all corporation cocks, curb cocks and buffalo boxes; and the name, size and serial number of all meters. (Ord. No. 2942, § 1.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s))

Section 25.9. Supervision of work done in streets.

All work done in the streets of the Village, in connection with the water system, shall be subject to the direction and approval of the Village Manager or his/her authorized representative and the requirements of Chapter 19 of this Code. (Ord. No. 2942, § 1.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s))

Section 25.10. Discontinuance of service--Danger to health, waste, unauthorized use.

(a) In any case in which the Village Manager or his/her authorized representative determines that there exists, or may exist, piping or fixture connections dangerous to the health of the water consumer or which create a danger of contamination of the water system, he shall immediately notify the water department to shut off the water supply. The water service shall be restored upon satisfactory evidence of the repair or correction of the dangerous condition and payment of the reconnection charge established in Section 25-31.

(b) In any case in which the Village Manager or his/her authorized representative determines that there is a willful or unreasonable waste of water, unauthorized taps for fixture connections, or tampering with a metering device from which the customer benefits, the Village Manager or his/her authorized representative shall cause a notice of discontinuance of service to be mailed to the customer in accordance with the procedures of Section 25-35. (Ord. No. 2942, § 1.)

(Ord. 4852, Amended, 02/28/2007, his to his/her(s); 4334, Amended, 11/06/2001; 3976, Amended, 10/06/1997)

Section 25.11. Use of public hydrants.

All fire hydrants installed in the Village for fire purposes are declared to be public hydrants. No person other than authorized Village employees or other persons specifically authorized by the Village Manager, shall open or draw water from or in any manner interfere with such hydrants, unless a permit has

Downers Grove Municipal Code

been issued by the Village.

(a) Permit Approval Requirements: Upon an application for a permit for temporary use of the Village water supply for purposes other than fighting fires, the Director of Public Works or his/her designee shall determine whether or not the application should be approved or rejected based upon the following criteria including, but not to: (i) availability of water to the Village; (ii) amount of water required; (iii) availability of water to the contractor from other sources; (iv) likelihood of payment by the applicant; (v) previous illegal use of Village water by the applicant; (vi) effect of water usage on public health, safety and general welfare.

(b) Hydrants To Be Approved: If the application is approved, the Director of Public Works or his/her designee shall determine from which hydrant the water shall be drawn. If, in the Director's determination, it is more appropriate, the water shall be delivered to a tank truck of the permittee from a hydrant on the grounds of the Village Public Works Department.

(c) Contractor's Charges For Water:

(1) Contractors acquiring water from the public works yard hydrant shall account for all water used from that hydrant. Water shall not be taken unless a Village water meter with a backflow preventer is installed on the hydrant. The contractor shall submit, on a form provided by the Village, the necessary information to bill the contractor, including the amount of water used. Said bill shall be due and payable by the contractor immediately upon receipt.

(2) Contractors taking water from hydrants other than at the public works yard shall obtain a water meter from the public works department.

(a) Prior to receiving the meter, and upon approval of an application, a security deposit shall be required. The security deposit shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" :

(b) There shall also be a nonrefundable permit fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" required upon approval of the application. In addition, a meter rental charge shall be paid as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" .

(c) In the event that the charges for water consumption are less than the security deposit of the contractor, the Village shall retain a portion of the security deposit equal to the charges and refund to the contractor the difference between the security deposit and the charges incurred.

(d) In the event that the charges for water consumption are more than the security deposit of the contractor, the Village shall retain the entire security deposit and shall bill the contractor the difference between the charges incurred and the amount of the security deposit. Said bill shall be due and payable by the contractor immediately upon receipt.

(e) Contractors will be held solely responsible for any and all damages caused to public and private property during the course of any and all work stemming from this water utilization.

(3) Security Deposit/Fee Waivers: The Village reserves the right to waive security deposits and water costs for the Village's own temporary construction water uses, operational, or maintenance uses as well as temporary water uses of other governmental taxing bodies, including, but not limited to, the Downers Grove Sanitary District and Downers Grove Park District. Notwithstanding any such waiver, the water shall be drawn from approved metered sources only.

(Ord. No. 2942, § 1.)

(Ord. 5167, Amended, 11/09/2010; Ord. 4684, Amended, 06/07/2005)

Section 25.12. Flushing of sanitary and storm sewers; permit required.

No person shall use the Village's unmetered water supply to flush sanitary sewers or storm sewers without a permit from the water department of the Village. (Ord. No. 2942, § 1.)

Downers Grove Municipal Code

Section 25.13. Estimate of unmetered use of water.

The Village shall make an estimate of all water taken from the water system through unmetered sources and maintain a record of such estimates. (Ord. No. 2942, § 1.)

Section 25.14. Meters required; Removal or disturbance of meters; Requirements and restrictions relating to meters.

(a) Meters required. All premises using the Village of Downers Grove water supply must be equipped with an adequate cubic foot water meter. All meters placed in service on any premises using the Downers Grove water supply will be provided and owned by the Village which retains the right to inspect, repair and replace them upon reasonable notice to the owner of the premises.

(b) Removal or disturbance of meters. No person shall move, remove or disturb any water metering devices in any manner without first obtaining written permission of the Village Manager or his/her authorized representative.

(c) Requirements and restrictions relating to meters.

(i) Meters shall be installed in a location that will provide easy access thereto.

(ii) The Village shall read or cause to be read every water meter used in the Village at such times as are necessary so that bills may be sent out at the proper times.

(iii) Upon request or complaint of the consumer, any water meter shall be tested for accuracy. If, upon testing, the meter is found to be over three percent (3%) off in accuracy at eighty percent (80%) of the meter maximum flow rate, the meter shall be replaced at no cost to the consumer. If the meter is found to be three percent (3%) at eighty percent (80%) of the meter maximum flow rate or less in accuracy, then the consumer shall pay a testing fee.

(iv) Any house or building constructed within the Village of Downers Grove or constructed outside of the Village and using Downers Grove water must have installed a water service of the appropriate size and a meter that will service each individual, house or building located upon any newly constructed property. Water service shall only have a single meter connected and no multiple meter application on a single service shall be allowed. (Ord. No. 2942, § 1.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s); Ord. 4519, Amended, 06/17/2003; 4334, Amended, 11/06/2001)

Section 25.14ART. Article II. Consumer Accounts

Section 25.14DIV. Division 1. Administration

Section 25.15. Application for water tap and meter permit.

The Village shall receive all applications for water tap and metering device permits and issue such permits upon approval of the water department and payment of appropriate fees. A record of all water applications shall be kept. (Ord. No. 2942, § 1.)

(Ord. 5274, Amended, 08/21/2012; 4334, Amended, 11/06/2001)

Section 25.16. Record of water use.

The Village Treasurer shall maintain a record for each individual water tap or meter connection and an account with each water consumer for water used and other related charges provided in this chapter. This record shall provide for all information required for identification and billing purposes, and all collections shall be posted thereon. Each record shall bear the account number corresponding to that used on the meter

Downers Grove Municipal Code

reading record and shall be kept on file. (Ord. No. 2942, § 1.)

Section 25.17. Application for water service.

No person shall use water from the Village water system until he has filed an application with the Village Treasurer on forms provided for that purpose. The application shall contain the provision that it is being signed subject to all rules and regulations then in force or that may thereafter be adopted by the Village Council.

All applications for water service shall be valid for one year from the date of issuance. All applications one year from the date of issuance will be considered invalid. All fees paid on such invalid applications shall be forfeited unless a written request for refund is submitted within thirty (30) days after such application is considered invalid. (Ord. No. 2942, § 1.)

(3976, Amended, 10/06/1997)

Section 25.18. Same--Deposit.

(a) Each applicant for water service, except as provided in subsections (c) and (d), shall pay to the Village a cash deposit as security for payment of all charges incurred under any provision of this Chapter 25 in connection with water service to the premises covered by such application. The amount of such cash deposit shall be the estimated maximum water service charge for such premises for a two-month period, as determined by the Village, as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule"

(b) The cash deposit shall be paid to the Village prior to connection, or at the Village Manager's discretion in cases in which water service to the premises has not been interrupted, no later than thirty days from the date the application is received by the Village.

(c) An applicant for water service to a single-family dwelling unit may deposit with the Village, in lieu of such cash deposit, an agreement to pay to the Village upon demand the full amount of all charges incurred under any provision of this Chapter 25 provided that the following conditions are met:

(1) That the applicant for such service is the owner of the premises to be served;

(2) That the applicant has no unpaid bills for water service at the same or a different address;

(3) That the applicant has not made two late payments of bimonthly bills during the preceding twelve-month period; and

(4) That the applicant has not previously received the benefit of any tampering with pipes, metering devices or other water supply equipment.

(d) An applicant for water service to a business may deposit with the Village, in lieu of such cash deposit, a performance bond issued by a surety company licensed to do business in the State of Illinois to guarantee full and timely payment of all charges imposed under this chapter. The amount of such bond shall be the estimated maximum water service charge for the premises for a twelve-month period, as determined by the Village. Such bond shall include a provision prohibiting termination without written notice mailed to the Village at least thirty days prior to the termination thereof.

(e) Upon discontinuance of water service to the customer making the cash deposit, the excess, if any, of such deposit over the amount of all unpaid charges incurred under any provision of this chapter shall be refunded. (Ord. No. 2942, § 1; Ord. No. 3326, § 1.)

(Ord. 5274, Amended, 08/21/2012; Ord. 5167, Amended, 11/09/2010; 4334, Amended, 11/06/2001)

Section 25.19. Same--Same--Increase when inadequate.

(a) The amount of the cash deposit required of a water customer may be increased as a condition of continued water service at any time the amount of the deposit is inadequate to secure payment of charges

Downers Grove Municipal Code

incurred under the provisions of this Chapter 25. The cash deposit shall be deemed inadequate whenever:

- (1) Three consecutive bills for water service exceed the amount of the deposit; or
- (2) The customer has made two late payments of bimonthly bills during any twelve-month

period.

(b) The increased cash deposit shall be paid to the Village no later than thirty days after the Village's demand therefor. (Ord. No. 2942, § 1; Ord. No. 3326, § 2.)

Section 25.20. Denial of service.

(a) If after a review of its own records, the Village finds that an applicant for water service has failed to pay past due charges for water service at the same or at another address, the Village may refuse to provide service unless the applicant pays any past due bill or enters into a deferred payment agreement pursuant to Section 25-36 herein. Except as otherwise provided by State law, service shall not be denied for nonpayment of bills other than those for water service.

(b) The Village may refuse to provide water service to any premises for which a claim of lien for unpaid charges for water service was filed with the recorder of DuPage County in accordance with Section 25-37 on or before the date of application for service, unless the applicant for service tenders to the Village the amount of the charges due. (Ord. No. 2942, § 1.)

(Ord. 4660, Amended, 03/15/2005)

Section 25.21. Notice of change of owner or tenant.

In the event of a change in owner or tenant, the Village shall be promptly notified and a new application shall be signed. The customer in whose name water service is provided shall be responsible to the Village for all charges incurred through the date on which the change in possession is effective or the date on which the Village is notified of the change, whichever is later. (Ord. No. 2942, § 1.)

Section 25.22. Discontinuance of water service at customer's request.

Water service shall be discontinued within forty-eight hours after notice to the water billing department. Upon receipt of notice to discontinue water service a final meter reading shall be taken. (Ord. No. 2942, § 1.)

(Ord. 5274, Amended, 08/21/2012)

Section 25.22DIV. Division 2. Meter Reading

Section 25.23. Reserved.

(Ord. 5274, Amended, 08/21/2012; 4334, Amended, 11/06/2001)

Section 25.24. Inaccurate meters.

Any water metering device shall be tested upon request of the consumer and if found to be inaccurate, it shall be repaired or replaced free of charge. The Village will maintain a metering device replacement service to make repairs free of charge, except when damaged by hot water, frost, malicious intent, or any other negligent or wilful act of the owner or occupant of the premises. In such case, the repairs or replacement shall be made at actual cost, the minimum charge shall be set forth in Administrative

Downers Grove Municipal Code

Regulation entitled "User-Fee, License and Fine Schedule". However, should it be found accurate within two percent the consumer shall be billed as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" to cover the expense of making the test.

For the purposes of this Chapter, a metering device is defined as the water meter casing, registers, seals, remote readers and transmitters, and all wiring between the meter and the remote reader and transmitter. A metering device does not include any valves, connecting fittings or water piping. (Ord. No. 2942, § 1.)

(Ord. 5167, Amended, 11/09/2010; 4334, Amended, 11/06/2001)

Section 25.25. Same--Determination of charges.

If a water metering device at any time fails to accurately register the quantity of water consumed, the usage shall be estimated on the basis of the quantity registered to the customer during the corresponding period of the preceding year. If there was no usage in the corresponding period of the preceding year, then the estimated usage shall be the average usage of a single-family residence or a business of like nature, as applicable. (Ord. No. 2942, § 1.)

Section 25.25DIV. Division 3. Charges for Service

Section 25.26. Liability for charges.

The owner and occupant of any premises supplied with water shall be jointly and severally liable to the Village for all charges for water service. (Ord. No. 2942, § 1.)

Section 25.27. Authority of Village to set rates.

The Village Council shall retain at all times the power and authority to set water rates and determine the character of the service. The Village shall review the adequacy of the water rate annually in conjunction with the budget process. The water rate shall be revised periodically to reflect any change in local capital costs, operation, or maintenance, plus replacement costs. (Ord. No. 2942, § 1.)

(Ord. 4519, Amended, 06/17/2003)

Section 25.28. Rates to be for bimonthly consumption.

All of the rates set forth in this article shall be the rates charged for water consumed during each meter reading period for two months, except when the water supply has been discontinued. (Ord. No. 2942, § 1; Ord. No. 3326, § 4.)

Section 25.29. Rates and charges for metered water.

Water will be furnished to consumers only at rates and charges determined as follows:

(a) Except as provided in Section 25-30, the charge for water furnished to consumers located within the Village limits shall be calculated on a flat rate basis as set forth in the following schedule:

(1) Within Village Limits:

For bills received after July 1, 2018:

(i) Six dollars and seven cents (\$6.07) for property within Village limits will be charged for the consumption of every one hundred (100) cubic feet.

(2) Outside Village Limits:

Downers Grove Municipal Code

For bills received after July 1, 2018:

(i) Six dollars and ninety-seven cents (\$6.97) for property outside the Village limits will be charged for the consumption of every one hundred (100) cubic feet.

(b) In addition to the fees listed above, a bi-monthly maintenance fee shall be assessed as follows:

Water Meter Size	Bi-Monthly Fee
5/8"	\$12.59
1"	\$18.89
1 1/2"	\$62.97
2"	\$100.74
3"	\$188.91
4"	\$314.84
6"	\$629.66
10"	\$1,511.18

(c) The charges for water furnished to any building or portion thereof used for multiple-family residence purposes or mixed business and residential uses (except buildings having separate meters for each dwelling unit or use therein) shall be the aggregate of the applicable charges for each dwelling unit or use in such building or portion thereof served through a single meter, computed as though each such dwelling unit or use:

(1) Was a separate building connected to a separate water meter; and

(2) Consumed during such two-month billing period a quantity of water determined by dividing the total water consumption of such multiple-family or mixed use building by the number of dwelling units or uses contained in such building or portion thereof.

(d) During the month of January in each year, any purchaser of water from the Village for resale, in whole or in part, to consumers located outside the Village limits shall file with the Village Treasurer a sworn written statement setting forth the number of separate dwelling units served by such purchaser as of the date of such statement, including all separate single-family buildings and all separate dwelling units contained within buildings used for multiple-family residence purposes. The charges for water furnished to any such purchaser shall be two times the aggregate of the applicable charges for each such dwelling unit, computed as though each such dwelling unit:

(1) Was a separate single-family building connected to a separate water meter; and

(2) Consumed during such two-month billing period a quantity of water determined by dividing the total water consumption of such purchaser by the number of dwelling units set forth in the latest sworn statement on file with the Village treasurer with respect to such purchaser.

(d) The charges for water furnished to contractors acquiring water from the hydrant connection at the Public Works Facility, 5101 Walnut, Downers Grove, shall be two hundred percent (200%) of the rate listed in subsection (a)(1)(i), above.

(e) The charges for water furnished to contractors taking water from public hydrants other than at the Public Works yard shall be two hundred percent (200%) of the rate listed in subsection (a)(1)(i), above.

(Ord. No. 2942, § 1; Ord. No. 3209, § 1; Ord. No. 3326, § 5; Ord. No. 3424, § 2; Ord. No. 3437, § 2) (Ord. 5698, Amended, 05/08/2018; Ord. 5619, Amended, 05/16/2017; Ord. 5423, Amended, 12/02/2014; Ord. 5348, Amended, 12/03/2013; Ord. 5290, Amended, 12/04/2012; Ord. 5235, Amended, 12/06/2011; Ord. 5167, Amended, 11/09/2010; Ord. 5133, Amended, 05/04/2010; Ord. 5004, Amended, 10/07/2008; Ord. 4685, Amended, 06/21/2005; Ord. 4684, Amended, 06/07/2005; Ord. 4500, Amended, 05/06/2003; 3976, Amended, 10/06/1997; 3538, Amended, 02/25/1993; 3437, Amended, 02/17/1992; 3424, Amended, 01/13/1992)

Section 25.30. Reserved.

Downers Grove Municipal Code

(Ord. 5678, Amended, 12/19/2017; Ord. 5257, Amended, 04/03/2012; 5167, Amended, 11/09/2010; 3448, Amended, 03/30/1992; 3420, Amended, 01/06/1992)

Section 25.31. Extra charges.

Each water service connection shall be subject to additional charges, to the extent applicable from time to time. Such fees shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

For the purpose of shutting off water service at buffalo box or meter, at request of consumer except that no charge will be made for shutting off or turning on water service for the repair of leaks between the buffalo box and meter for a maximum of two consumer requests per leak. This fee shall be due and payable from and after the actual shut-off.

Reconnection of service fee shall be due and payable from and after the date of actual service reconnection.

Late fee for payments received after billing due date.

Handling and service charge for all accounts that are notified of termination of services for non-payment.

Disconnection of water service pipes.

(Ord. No. 2942, § 1; Ord. No. 3379, § 4.)

(Ord. 5167, Amended, 11/09/2010; Ord. 4802, Amended, 08/01/2006; Ord. 4695, Amended, 07/05/2005; 4282, Amended, 04/03/2001; 3976, Amended, 10/06/1997)

Section 25.32. Surcharges and special connection charges.

In connection with the annexation of new territory to the Village, or the purchase or other acquisition by the Village of any existing water system, whether public or private, and whether situated within or without the Village, or in connection with any other special circumstances found by the Council to require special treatment of water facilities in a specified area, the Village Council shall have the right to impose upon the territory served by any part of the Village's water system, in addition to charges determined under the applicable provisions of the foregoing sections of this chapter, water rate surcharges or special water system connection charges, or both, in amounts authorized by the Village Council and reasonably necessary to provide arrangements for financing, or reimbursement to the Village, of the cost of acquisition of or any improvements to such water system that may be necessary or desirable in order to make such system comply substantially with the technical standards and specifications applicable to the remainder of the Village water system and to avoid any risk of danger to the public health, safety and welfare. (Ord. No. 2942. § 1.)

Downers Grove Municipal Code

Section 25.33. Billing generally.

(a) Regular bills sent to owner. Regular bimonthly bills for water service and other charges under this chapter shall be rendered to the person designated on the Village records as soon as practical, but in no event later than the tenth day of the month next following the reading of the meter. The owners of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premise, and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Village. Upon request, in connection with a sale or other transfer of the premises or other change of person responsible for service charges, the Village may make a special meter reading and render a special billing for water services and other charges incurred up to the date of such meter reading.

(b) Bills for meter consumption. Except as hereinafter provided, a bill for water usage shall be rendered for each primary meter in accordance with the consumption registered thereon. Bills for buildings used for multiple-family residence purposes or mixed business and residential uses which have more than one primary meter (but not having separate meters for each dwelling unit or use therein) shall be based upon the combined consumption registered on the several meters, in accordance with Section 25-29; except that separate bills shall be rendered for each meter for which the number of dwelling units or uses served by such meter can be determined from inspection of the plans for such building.

(c) Payment due date. Payment must be received by the Village by close of business on the due date printed on the bill or a late charge of ten percent (10%) shall be due after such due date, which due date shall not be earlier than the fifteenth day of the month in which the bill is rendered.

(d) Delinquent bills. If the charges for such services are not paid for 45 days after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

(e) Lien and notice of delinquency. Whenever a bill for service remains unpaid for 45 days after it has been rendered, the Village Treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. If the user whose bill is unpaid is not the owner of the premises and the Village Treasurer has notice of this, notice shall be mailed to the owner of the premises if his/her address be known to the Treasurer, whenever such bill remains unpaid for the period forty-five days after it has been rendered. The failure of the Village Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

(f) Foreclosure of lien. Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is in case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in 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 property for which the bill has remained unpaid forty-five days after it has been rendered. The Village Attorney is entitled to attorney fees as determined by the court.

(g) Revenues. All revenues and moneys derived from the operation of the water system shall be credited in the water account of the water fund. All such revenues and moneys shall be accounted for by the Village Treasurer separate and apart from private funds and separate and apart from all other funds of the Village Treasurer not more than ten days after receipt of same, or at such more frequent intervals as may from time to time be directed by the Village Council. The Village Treasurer shall receive all such revenues from the water system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water Fund of the Village of Downers Grove". Said Treasurer shall administer such fund in every aspect in the manner provided by statute.

(h) Accounts. The Village Treasurer 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

Downers Grove Municipal Code

relative to the water system, and at regular annual intervals he/she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities. The financial information to be shown in the audit report shall include the following:

- (i) Flow data showing total gallons received at the water plant for the current fiscal year.
- (ii) Billing data to show total number of gallons billed per fiscal year.
- (iii) Debt service for the next succeeding fiscal year.
- (iv) Number of users connected to the system.
- (v) Number of non-metered users.

(i) Access to records. The IEPA or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Belmont Park Grant.

(j) Appeals. The method for computation of rates and service charges established for user charges shall be made available to a user within ten (10) days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the Village Manager within ten (10) days after notification of a formal written appeal outlining the discrepancies. (Ord. No. 2942, § 1; Ord. No. 3326, § 6; Ord. No. 3405, § 1.)

(Ord. 5274, Amended, 08/21/2012; Ord. 4852, Amended, 02/20/2007, his to his/her(s); Ord. 4519, Amended, 06/17/2003)

Section 25.33DIV. Division 4. Discontinuance of Service

Section 25.34. Authority to discontinue service.

The Village may discontinue service when any customer pays a shut-off notice with an NSF check or fails to do any of the following:

- (a) Correct the condition of waste, tampering or unauthorized use required by a notice issued pursuant to Section 25-10; or
- (b) Make a deposit or increase a deposit pursuant to Sections 25-18 or 25-19; or
- (c) Pay a past due bill owed to the Village for the water service furnished at the same or at another location; or
- (d) Make payment in accordance with the terms of a deferred payment agreement as described in Section 25-36; or
- (e) Provide Village representatives with access to the metering devices as required by Section 25-23 and Section 25-6.
- (f) Provide Village representatives with access for purposes of inspecting the potable water pipes and fixtures as described in Section 25-6. (Ord. No. 2942, § 1.)

(Ord. 5274, Amended, 08/21/2012; 4334, Amended, 11/06/2001; 3976, Amended, 10/06/1997)

Section 25.35. Procedure.

(a) Notice shall be mailed via first class mail to the customer whose water service may be discontinued under authority of Section 25-34. The notice shall inform the customer of the payment or other action required to prevent discontinuance of service, the date by which such payment or other action must be made (which date shall not be less than ten days from the date such notice is mailed-unless a shut-off notice was paid with an NSF check, no additional notice shall be given), the charges for disconnection and reconnection of service, and the person or department with authority to resolve disputes.

(b) Except as provided in subsection (c) below, water service may be discontinued, at the sole

Downers Grove Municipal Code

discretion of the Village, without further notice to the owner or occupant of the premises, in the event that the customer has failed to correct the condition specified in the written notice.

(c) Water service shall not be discontinued to any building in which multiple residential or commercial units are served through a common metering device until the Village has mailed, delivered or posted on the premises a notice to all lessees or tenants, which notice shall comply with the requirements of subsection (a). (Ord. No. 2942, § 1.)

(Ord. 5274, Amended, 08/21/2012; 4334, Amended, 11/06/2001)

Section 25.36. Deferred payment agreements.

(a) Customers who are indebted to the Village for past due water service shall have the opportunity to make arrangements to retire the debt by periodic payments referred to hereinafter as a deferred payment agreement; except that customers who have failed to make payment under such a plan during the past twelve months shall not be afforded such opportunity.

(b) The terms and conditions of a deferred payment agreement, including the interest to be paid, shall be determined by the village treasurer after consideration of the following:

- (1) Size of the past due account; and
- (2) Customer's ability to pay; and
- (3) Customer's payment history; and
- (4) Reasons for the outstanding indebtedness; and
- (5) Any other relevant factors relating to the circumstances of the customer's service.

(c) In no event shall a deferred payment agreement be entered into unless the customer pays a minimum of one-fourth of the amount past due and owing at the time of entering into the agreement.

(d) A deferred payment agreement shall be in writing, with a copy provided to the customer, and shall conform to the following requirements:

(1) The customer shall be required to pay all future bills for utility service by the due date; and

(2) The customer shall retire the debt according to the terms of the deferred payment agreement, which shall allow a minimum of two months and a maximum of twelve months to retire the debt.

(e) If a customer shall default in any payment due under the deferred payment agreement, the village shall have the right to discontinue service pursuant to Sections 25-34 and 25-35. (Ord. No. 2942, § 1.)

Section 25.37. Collection of unpaid charges by lien on property.

(a) Whenever the charges for water services remain unpaid for forty-five (45) days after the date they become due and payable, the Village Treasurer shall cause to be filed with the recorder of DuPage County, a statement of lien claim covering the amount claimed by the Village as delinquent for the water department services rendered to the premises. This statement shall contain a description of such real estate sufficient for identification thereof; the amount of money due for such water services; and the date when such amount became delinquent. Upon payment of the cost and expense by the owner of, or persons interested in, said real estate, after the notice of lien has been filed, the Village shall issue a release of such lien, which may be filed of record in said recorder's office.

(b) If the Village Treasurer has notice that the consumer to whom the water services were supplied is not the legal owner of the premises, notice shall be mailed to the legal owner of the premises at his/her last-known address, whenever charges for water services remain unpaid for a period of forty-five (45) days after they become due and payable. Failure of the Village Treasurer to mail such notice or to record such lien claim, or the failure of the legal owner to receive such notice, shall not affect the right of the Village to foreclose the lien for unpaid water service charges as provided for in this section.

(c) The Village Treasurer is authorized to notify the Village Attorney to institute such proceedings

Downers Grove Municipal Code

as shall be necessary to enforce the liens of the Village filed in accordance with this section.

(d) The remedy by enforcement of lien claims for unpaid water service charges shall not be exclusive of any other legal remedy to collect the amounts delinquent. (Ord. No. 2942, § 1.) (Ord. 5274, Amended, 08/21/2012; Ord. 4852, Amended, 02/20/2007, his to his/her(s))

Section 25.37ART. Article III. Connections and Extensions

Section 25.38. Permit--Required; exception.

A permit shall be required to connect, extend or use water from the water system of the Village of Downers Grove, except that authorized members of the fire department, the department of public works or other persons specifically authorized by the Village Council shall be allowed to connect, extend or use water in any manner without a permit. (Ord. No. 2942, § 1.)

Section 25.39. Same--Application.

All applications for permits as required by Section 25-38 hereof shall be made in writing to the Village on a form as reasonably required and approved by the Village Manager. Such application shall contain an agreement by which the applicant is to abide and accept all of the provisions of this Chapter as conditions governing the use and service of the waterworks system by the applicant. (Ord. No. 2942, § 1.) (Ord. 4519, Amended, 06/17/2003)

Section 25.40. Same--Fees.

Each application to connect service or supply pipes to the water system mains shall be accompanied by payment of a water service connection fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(a) Charges applicable to all connections:

(1) Water service inspection fee shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(b) Charges applicable to connections for which the Village supplies the metering device and/or corporation cock, curb cock and buffalo box shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(c) (1) Where property within the Village is connected to water mains originally installed at the expense of the Village, whether for domestic consumption, automatic sprinklers, standby fire protection or any other purpose, a water system capacity charge shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule"

The capacity fee shall be based upon the size of the domestic tap. Capacity fee shall not be charged for fire protection connections.

(2) For any customer who incurs capacity fees on or after August 1, 2006, at least one-half of this charge shall be paid at the time of application. At the option of the applicant, and only if the applicant is the owner of the property, the balance may be paid, without interest, by means of a surcharge payable in equal installments over a two (2) year period in addition to the regular bi-monthly water usage fees. If, however, the capacity fee was incurred prior to August 1, 2006, at least one-half (1/2) of this charge shall be paid at the time of application and, at the option of the applicant, and only if the applicant is the owner of the property, the balance may continue to be paid, without interest, by means of a surcharge on metered water consumption at a rate of one dollar and thirty-five cents(\$1.35).

(3) In the event the applicant elects to pay the balance of the connection charge by means

Downers Grove Municipal Code

of a surcharge, the Village shall file with the recorder of DuPage County, a lien covering the amount of unpaid water system connection charges, which lien shall contain a description of the property benefited by such water system connection sufficient for identification thereof; the date of connection to the water system; and the existence of a surcharge on water service. Upon payment of the balance due, after the lien has been filed, the Village shall issue a release of such lien, which may be filed in said recorder's office.

(d) Where connection is to be made to a water main installed at the expense of another party pursuant to agreements or letters of understanding between the Village and the installer which provide for recovery of installation costs by means of a connection charge, a water main capacity fee as established by any such applicable agreement shall be charged.

(e) If water is to be consumed prior to the installation of the metering device, there shall be a construction water charge, as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(f) The only exception to this will be when a customer temporarily relocates to another home out of state, in which case a fee shall be added to the bill at the time of turn on.

A special charge in an amount determined by the water department may be assessed at the time of application for temporary water service if such service is to be used for purposes with a high rate of consumption. (Ord. No. 2942, § 1; Ord. No. 3336, § 6.)

(Ord. 5167, Amended, 11/09/2010; Ord. 4802, Amended, 08/01/2006; Ord. 4519, Amended, 06/17/2003; 4334, Amended, 11/06/2001; 3976, Amended, 10/06/1997; 3755, Amended, 06/26/1995; 3707, Amended, 12/12/1994; 3527, Amended, 01/04/1993; 3497, Amended, 08/03/1992)

Section 25.41. Connections outside Village, annexation agreement required.

The Village may, upon approval by the Village Council, furnish water to persons outside the Village corporate limits in accordance with specifications on file in the Village offices and upon the conditions herein.

(a) Any person owning property outside the Village limits who seeks to obtain connection of such property to the Village water system shall, as a condition of such connection, be required to execute and file with the Village an annexation petition. Owners of property not contiguous to the Village limits shall also be required to execute an annexation agreement.

(b) The Village Council is hereby authorized to enter into such an agreement with one or more owners of record of property outside the Village limits as a condition for connecting such property to the Village water system, such agreement to be binding upon the parties and their successors and assigns from the date of execution thereof subject to the following requirements:

(1) Such agreement shall provide that a petition for annexation to the Village shall be executed by the owners of record, within thirty days after subject property becomes contiguous to the Village, in the event that the owners executing the agreement are not the owners of record at that time.

(2) Such agreement shall provide that the Village will connect the property to the Village water system as promptly as practicable after execution of the agreement, subject to the requirements and provisions of this Code and to payment of the required connection fee.

(3) The annexation agreement shall be executed by the Mayor and be attested by the Clerk of the Village upon approval of the Village Council. (Ord. No. 2942, § 1.)

Section 25.42. Specifications for main extensions and water service connections.

(a) All work done and material used in connection with the installation of water mains, the tapping of water mains, the installation of service pipes and appurtenances, and the disconnection of any water services, shall be done under the direct supervision of the Village Manager or his/her authorized representative and shall be in accordance with specifications on file and available for public inspection in the Village offices.

(b) No water service connection or disconnection from the main to the metering device shall be

Downers Grove Municipal Code

covered at any point until an inspection has been made and the installation approved by the water department of the Village.

(c) In the event that a water service connection is installed and covered without an inspection by the Village, the owners of the premises served by such unlawful water service connection shall be liable to the Village for charges for the estimated water usage for the period from the date the permit for such water service connection was issued by the Village until the date that the Village had knowledge of the unlawful connection. The estimated usage shall be the average usage of a single-family residence or a business of like nature, as applicable, for the relevant period. (Ord. No. 2942, § 1.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s); 4334, Amended, 11/06/2001; 3976, Amended, 10/06/1997)

Section 25.43. Water main and water service connections.

All water main extensions and water service pipes and accessories from the water main to the metering device shall be installed at the expense of the property owner or the applicant for the service, except where the Village has agreed to accept responsibility for initial installation of water mains under a water main extension program.

Water main extensions and water service connections from the water main to and including the curb box or valve located within a dedicated right-of-way or water utility easement granted to the Village shall become the property of the Village upon acceptance of the extension of service by the Village. Water pipes and appurtenances from the curb box or valve to the metering device remain the property of the property owner or the applicant. The water metering device shall be the property of the Village.

The owner, occupant or party or parties in possession of any house, structure, factory, industrial or commercial establishment or any other building or structure of any other character which uses water and is located on property within the corporate limits shall cause such house, structure, factory, industrial or commercial establishment or any other building or structure of any other character to be connected with the waterworks system within ninety (90) days from the date that water facilities become available to such property. (Ord. No. 2942, § 1.)

(Ord. 4519, Amended, 06/17/2003; 4334, Amended, 11/06/2001; 3976, Amended, 10/06/1997)

Section 25.44. Maintenance and repair of water main extensions and water service pipes.

Upon acceptance by the Village, water main extensions and water service connections from the water main to and including the curb box or valve located within dedicated right-of-way or water utility easements granted to the Village shall be maintained by the Village. Water pipes and accessories from the curb box to the meter shall be kept in good repair at all times at the expense of the owner of the premises served. Fire protection service lines, connected to the water main pursuant to Section 25-47 shall be maintained at the expense of the owner of the premises served. (Ord. No. 2942, § 1.)

(3976, Amended, 10/06/1997)

Section 25.45. Leaks in mains, service pipes or accessories; repairs.

(a) Repairs shall be made whenever the owner or occupant of the premises served has knowledge, through his/her own observation or through information brought to his/her attention, of water leaking from the service pipe or accessories.

(b) Within three days of receipt of a written notice from the water department of a leak in service pipes, accessories or water main extensions not yet accepted by the Village, the owner or occupant shall arrange to have such leak repaired and shall inform the water department of the action to be taken. Repairs shall be completed within ten days of receipt of the written notice from the water department. Notwithstanding the foregoing, the water service may be shut off immediately by the Village if the Public Works Director determines that an emergency exists. The water supply shall not be turned on until such leak

Downers Grove Municipal Code

has been repaired and any expense incurred by the Village in connection therewith has been paid by the owner or occupant.

(c) If repairs are not scheduled or completed within the time limits of subsection (b) herein, the Village may discontinue water service until the repairs are completed.

(d) If repairs are not completed by the owner of water main extensions not yet accepted by the Village, the Village may complete or have completed such necessary repairs and charge the owner for the actual costs incurred.

(e) The water department will arrange to shut off the water to allow repairs whenever such notice is given that such repairs are contemplated. (Ord. No. 2942, § 1.)

(Ord. 5274, Amended, 08/21/2012; Ord. 4852, Amended, 02/20/2007, his to his/her(s))

Section 25.46. Installation of replacement water service pipes.

Wherever water service pipes between the curb box or valve and the metering device are found by the water department to be in such deteriorated condition that repair would not assure that unreasonable waste of water or frequent disruption of water service would not continue, new service pipes shall be installed at the expense of the owner of the premises served by such pipes in accordance with specifications on file in the Village offices. In the event the service pipes to be replaced are found to be connected with other service pipes, the Village shall install new service pipes tapped or connected directly to the water main and the Village shall have the right to enter the property to complete said installation. Replacement of water service pipes for the purpose of upgrading or increasing in size is the responsibility of the owner of the premises. All replacements must be from metering device to main in cases of upgrading or size increases.(Ord. No. 2942, § 1.)

(4334, Amended, 11/06/2001; 3976, Amended, 10/06/1997)

Section 25.46ART. Article IV. Fire Protection System

Section 25.47. Authority to install; installation generally.

All customers of the Village's water system, by obtaining a permit, shall be privileged to make a separate connection to the Village's water mains, to be used exclusively for fire protection. Such connection to the water system shall be performed by a licensed plumber and under the direction of the Village in accordance with Village specifications. (Ord. No. 2942, § 1.)

Section 25.48. Installation of meters.

All water lines serving fire protection equipment, including automatic sprinkler systems and stand pipe systems, as provided for in the preceding section, shall be metered with a detector check meter or other type of metering device that indicates water flow, and a charge at the usual rates in effect from time to time shall be made for the usage of water obtained from or through such lines. (Ord. No. 2942, § 1.)

(4334, Amended, 11/06/2001; 3471, Amended, 06/08/1992)

Section 25.49. Report of water use.

The Fire Department shall furnish a report to the water department containing an accurate estimate of the amount of water drawn from the water system for each instance in which water is taken from the system for purposes of testing or extinguishing fires. (Ord. No. 2942, § 1.)

(3471, Amended, 06/08/1992)

Downers Grove Municipal Code

Section 25.50. Estimate of water used by fire department through hydrants.

The fire chief shall report annually to the water department an estimate of all water taken from the water system through unmetered sources by the fire department. (Ord. No. 2942, § 1.)

Section 25.50ART. Article V. Cross Connections/Backflow Prevention Requirements.

(3805, Amended, 12/04/1995)

Section 25.51. Cross-connection prohibited; backflow prevention device required.

No person shall establish or permit to be established or maintain or permit to be maintained any connection of a nonpublic water supply to the public water supply of the Village, excluding any water system interconnections the Village may establish. Backflow prevention devices shall be installed where required under this Article and in accordance with Illinois Environmental Protection Agency Regulations, specifically Ill. Admin. Code, Title 35, Section 653.803.(Ord. No. 2942, § 1; Ord. No. 3301, § 2.)

(3805, Amended, 12/04/1995; 3581, Amended, 08/02/1993; 3555, Amended, 04/19/1993; 3473, Amended, 06/15/1992)

Section 25.52. Private water wells; permit required.

(a) For purposes of this section, the following terms shall be defined as follows:

Person - any individual, partnership, co-partnership, firm, company, limited liability corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or employees.

Potable Water - any water used for human or domestic consumption, including, but not limited to water used for drinking, bathing, swimming, washing dishes or preparing food.

Groundwater - is any underground water which occurs within the saturated zone and geological materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

(b) Except for such uses or methods in existence prior to February 19, 2002, the use or attempt to use by any person, including the Village of Downers Grove, as water supply groundwater from any location within the corporate limits of the Village by the installation or drilling of wells or by any other method is hereby prohibited.

(c) It shall be unlawful for any person to dig, drill, redrill or extend, or cause to be dug, drilled, redrilled, or extended, any well, hole or other excavation in the ground for the purpose of extracting water therefrom, at any location within the corporate limits of the Village.

(Ord. No. 2942, § 1; Ord. No. 3301, § 3.)

(4423, Amended, 06/18/2002; 4372, Amended, 02/19/2002; 3805, Amended, 12/04/1995)

Section 25.53. Backflow preventers required for certain facilities.

(a) If the director of public works or his/her designee determines that an industrial or commercial facility is an actual or potential hazard to the public water supply system, the owner or occupant of the property shall install a backflow prevention device on the water service pipes/lines which connect the industrial or commercial facility to the public water supply system. The following types of facilities are presumed to pose an actual or potential hazard unless the director of public works or his/her designee, upon certification from a cross-connection control device inspector (CCCDI), determines that the building does not pose an actual or potential hazard to the public water supply: (1) hospitals, mortuaries, clinics, nursing homes; (2) laboratories; (3) sewage treatment plants, sewage pumping stations or stormwater pumping stations; (4) food or beverage processing plants; (5) chemical plants; (6) metal plating industries; (7) petroleum processing or storage plants; (8) radioactive material processing plants or nuclear reactors; (9) car washes; (10) pesticide, or

Downers Grove Municipal Code

herbicide or extermination plants and trucks; (11) farm service and fertilizer plants and trucks. The aforementioned listing is not exhaustive and the director of public works or his/her designee may determine that other facilities not listed above pose an actual or potential hazard to the public water supply system.

(b) Any property owner or occupant notified in writing of a determination that the facility poses an actual or potential hazard to the public water supply system shall within ninety days of receipt of the notice install the required backflow prevention device at his or her expense and provide the director of public works or his designee with a certificate of inspection from an approved cross-connection control device inspector (CCCDI). (Ord. No. 3301, § 4.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s); 3805, Amended, 12/04/1995)

Section 25.54. Lawn sprinkler systems.

A reduced pressure principle backflow preventer (RPZ) shall be installed on all lawn sprinkler and water irrigation systems. For those systems installed and existing at the time of adoption of this ordinance, the owners or operators thereof will have until May 1, 1997, to install the required RPZ at his or her expense and provide the director of public works or his/her designee with a certificate of inspection from an approved cross-connection control device inspector (CCCDI).

(Ord. 4852, Amended, 02/20/2007, his to his/her(s); 3805, Enacted, 12/04/1995)

Section 25.55. Fire Safety System Requirements.

(a) The installation of any fire safety system shall comply with the backflow prevention requirements of the Illinois State Plumbing Code as adopted in Section 16-2.

(b) Fire safety systems in existence on the date of adoption of this ordinance shall have a reduced pressure principle backflow preventer (RPZ) installed at the fire safety system's point of connection to the potable water supply when:

(1) The fire safety system contains additives such as antifreeze, fire retardant or other chemicals. (The RPZ may be located at the point of connection to that section of the system containing such additives when the system's connection to the water supply is protected by a double detector check valve backflow preventer assembly); or

(2) Non-potable water flows into the fire safety system by gravity; or

(3) There is a permanent or emergency connection whereby water can be pumped into the fire safety system from any other non-potable source; or

(4) Fire department connections are available that could permit water to be pumped into the fire safety system from a non-potable source capable of serving the fire safety system. (A non-potable source of water shall be considered capable of serving the fire safety system under the following conditions: It must be capable of year-round use, maintained with at least 50,000 gallons of usable water not subject to freezing, accessible to fire fighting pumper equipment, and located within 1,700 feet of the facility.)

(3805, Enacted, 12/04/1995)

Section 25.56. Testing of backflow prevention devices; inspections; right to enter property; penalties.

(a) The owner or occupant of property required to install a backflow prevention device under this article or under the Downers Grove Plumbing Code (Chapter 16), shall have the device tested annually at his or her expense by a person approved by the Illinois Environmental Protection Agency as a cross-connection device inspector (CCCDI). This certificate of inspection shall be immediately filed with the director of public works or his/her designee. Each RPZ shall have a tag attached listing the date of the most recent test, the name of the CCCDI, and type and date of repairs. The owner shall maintain a maintenance log including: (1) date of each test; (2) name and approval number of person performing the test; (3) test results;

Downers Grove Municipal Code

(4) repairs or servicing required; (5) repairs and date completed; and (6) service performed and date completed. The backflow prevention device shall be maintained in good working condition by the owner.

(b) The director of public works or his/her designee shall enforce the provisions of this article in accordance with such regulations and specifications for control of cross-connections as may be promulgated by the water department, from time to time, and shall cause surveys and investigations to be made of commercial, industrial and other properties served by the Village's water supply to determine whether actual or potential hazards to the Village's water supply may exist. Such surveys and investigations shall be repeated at least every two years, or as often as the director of public works or his/her designee shall deem necessary. Public records of such surveys shall be maintained and available for review for a period of least five years.

(c) The director of public works or his/her designee shall have the right to enter at any reasonable time any property served by a connection to the Village's water system for the purpose of determining whether there exists on the property any connection in violation of this article, and for the purpose of verifying any information submitted by the customer concerning such connection and the required backflow prevention device. On demand, the owner, lessees or occupants of any property so served shall furnish to the director of public works or his/her designee any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the director of public works or his/her designee, be deemed evidence of the presence of improper connections as provided in this article.

(d) The director of public works or his/her designee is hereby authorized and directed to discontinue the water service to any property after reasonable written notice to the occupant thereof, if it is determined that any connection in violation of the provisions of this article exists. The director of public works or his/her designee may take such other precautionary measures as may be deemed necessary to eliminate any danger of contamination of the Village's water system. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this article and until a shut-off and reconnection fee is paid to the Village. Immediate disconnection upon verbal notice shall occur if the director of public works or his/her designee reasonably determines that the imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party shall occur if the director of public works or his/her designee reasonably determines that such action is necessary to prevent actual or anticipated contamination or pollution of the public water supply. Neither the Village, the director of public works or his/her designee, nor its agents shall be liable to any customer for any injury, damages or lost revenues which may result from termination of a customer's water supply in accordance with the terms of this section.

If contamination of the Village's water system occurs through an illegal cross-connection or improperly installed, maintained or repaired or bypassed backflow prevention device, the water customer or property owner or occupant responsible for any such backflow must bear the cost of cleanup of the Village's water system. In addition to any other legal remedy to collect such costs, such costs shall constitute a lien on such property which shall be filed by the Village Treasurer with the recorder of DuPage County. (Ord. No. 3301, § 4.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s))

Section 25.57. Violation declared a public nuisance; penalties.

(a) It is hereby found and declared that any violation of any of the provisions of this article is a public nuisance and shall be subject to injunctive relief in addition to any other penalties provided for under this Code or under applicable law.

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

Downers Grove Municipal Code

(c) Any person violating any provision of this ordinance or failing to comply with any of the mandatory requirements of this ordinance shall be guilty of an offense. Any person convicted of an offense under the this ordinance shall be punished by a fine of not less than seventy five (\$75.00) nor more than seven hundred fifty dollars (\$750.00).

(d) Any person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by any such person, and he shall be punished accordingly. (Ord. No. 2942, § 1.)
(Ord. 4519, Amended, 06/17/2003; 3805, Renumbered, 12/04/1995)

Section 25.58ART. Article II. STORMWATER

(Ord. 5274, Add, 08/21/2012)

Section 25.58SEC. Purpose.

The purpose of this Article is to establish a stormwater utility to protect the public health, safety and welfare of the residents of the Village of Downers Grove from damage to property and local waterways caused by stormwater runoff and floods by reduction, control and discharge of pollutants to the Village's stormwater system. In order to provide an effective and long-term approach to stormwater management within the Village, an adequate and stable funding source must be identified.

(Ord. 5274, Add, 08/21/2012)

Section 25.59. Stormwater Utility Established.

The Village hereby establishes a stormwater utility to provide for the management, operation, maintenance, enhancement and rehabilitation of the Village's stormwater system.

(Ord. 5274, Add, 08/21/2012)

Section 25.60. Stormwater Utility Fee Established.

A stormwater utility fee is hereby established and shall be imposed on each parcel of property in the Village, whether publicly or privately owned, at the rate set forth in Section 25.66 as adopted by the Village Council and adjusted from time to time.

(Ord. 5414, Amended, 11/11/2014; Ord. 5274, Add, 08/21/2012)

Section 25.61. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Credit - means an ongoing conditional reduction in the amount of a stormwater utility fee assessed to a parcel, which will be reflected on the utility bill, in recognition of eligible onsite systems, facilities, measures, or other actions taken to reduce or mitigate the impact of stormwater runoff which are in compliance with the provisions of the Village's Administrative Regulation entitled "Stormwater Credit & Incentive Manual".

Developed Land - means a parcel altered from a natural state by the addition of impervious area.

Direct Discharge - means the conveyance of stormwater runoff from a parcel or portion of a parcel

Downers Grove Municipal Code

directly to a receiving conveyance system which is outside and downstream of the Village's stormwater system.

Equivalent Runoff Unit (ERU) - An ERU shall mean three thousand three hundred (3,300) square feet of impervious area or any fraction thereof. An ERU shall be used as the basis for determining the stormwater utility fee for a parcel.

Impervious Area - means area within a parcel which prevents or significantly impedes the infiltration of stormwater into the soil. Common impervious areas include, but are not limited to, buildings, rooftop areas including overhangs and eaves, paved walkways, bricks, concrete pavers (unless part of a permeable pavement system, swimming pools, decks, paved, gravel or stone areas, and other similar non-porous areas.

Incentive – means a one-time reduction in the amount of the stormwater utility fee assessed to a parcel, which will be reflected on the utility bill, to assist in offsetting the cost of materials, construction and installation of qualifying stormwater facilities.

Manual – means the Village's Administrative Regulation entitled "Stormwater Credit & Incentive Manual".

Non-single family residential – means a parcel that is not classified as single family residential or vacant.

Oversight Committee – means the Village's Stormwater and Floodplain Oversight Committee created pursuant to Section 26.400 of this Code.

Parcel - means any designated area of land, established by a plat or other legal means, which has been assigned a Property Index Number (PIN) by DuPage County.

Single Family Residential (SFR) - means a parcel or parcels containing one dwelling, designed or used exclusively for residential occupancy by one family, which contains one or more bedrooms, with permanently installed cooking and sanitary facilities.

Stormwater System - means a conveyance or system of conveyances and includes sewers, storm drains, streets, curbs, gutters, ditches, retention ponds or basins, dams, creeks, river impoundments, man made channels or storm drains and flood control facilities and appurtenances thereof which are designed or used for the collection, control, transportation, treatment or discharge of stormwater, all located within the corporate limits of the Village.

Stormwater Utility - means a stormwater management program that includes all or part of the management, administration, maintenance, engineering, planning and capital investments related to the stormwater system.

Vacant Parcel - means a parcel that has no impervious area.

Village - means the Village of Downers Grove, a municipal corporation organized under the laws of the State of Illinois.

(Ord. 5332, Amended, 09/03/2013; Ord. 5274, Add, 08/21/2012)

Section 25.62. Administration.

(a) The Village Manager shall administer the stormwater utility in accordance with the provisions of this

Downers Grove Municipal Code

Article.

(b) It shall be the duty of the Village Manager or his/her designee to preserve and protect all Village-owned property relating to the stormwater utility. He/she shall direct the laying of all pipes or other facilities connected or to be connected to the stormwater system of the Village. The Village Manager or his/her designee shall direct the making of all necessary repairs or maintenance to the stormwater system.

(Ord. 5274, Add, 08/21/2012)

Section 25.63. Nonliability of Village.

No claim shall be made against the Village, its officers or employees on account of the management of stormwater; the leaking, breaking or bursting of any stormwater pipe; disability of any of the appurtenances of the Village’s stormwater system; or damage to private property, real or personal, caused by the operation, repair or maintenance of the stormwater system.

(Ord. 5274, Add, 08/21/2012)

Section 25.64. Interference with Stormwater System.

(a) No person shall alter, interfere with or disturb the stormwater system or appurtenances thereto without the permission of the Village Manager or his/her designee.

(b) No person shall willfully or negligently break, injure or deface such stormwater system and appurtenances, or commit any act which is intended to or which shall obstruct or impair the intended use thereof.

(Ord. 5274, Add, 08/21/2012)

Section 25.65. Classification of Parcels.

For purposes of determining the stormwater utility fee, all parcels in the Village are classified as one of the following:

- (i) Single Family Residential (SFR); or
- (ii) Non-Single Family Residential; or
- (iii) Vacant.

(Ord. 5274, Add, 08/21/2012)

Section 25.66. Stormwater Utility Fee Rates.

(a) Authority of Village to set rates.

The Village Council shall retain at all times the power and authority to set stormwater utility fee rates. The Village shall review the adequacy of the stormwater utility fee rate annually in conjunction with the budget process. The rate shall be revised periodically to reflect any change in local capital costs, operation, or maintenance, plus replacement costs.

(b) Rates.

(1) Effective January 1, 2018 the stormwater utility fee rate per Equivalent Runoff Unit (ERU) per month shall be \$11.43.

(2) Single Family Residential. Each parcel within the single family residential classification shall be assessed the following stormwater utility fee based on a four tier structure which is tied to the amount of impervious area located on each parcel.

	Parcel Description	Number of ERUs per parcel
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Downers Grove Municipal Code

Tier 1	parcels with 1 to 2,500 square feet of impervious area	0.75 ERU
Tier 2	parcels with 2,501 to 4,000 square feet of impervious area	1.0 ERU
Tier 3	parcels with 4,001 to 7,000 square feet of impervious area	1.5 ERUs
Tier 4	parcels with more than 7,000 square feet of impervious area	The actual number of ERUs rounded to the next whole ERU multiplied by the rate per ERU as set forth in Section b(1) above.

(3) Non-Single Family Residential. All non-single family residential parcels in the Village shall be assessed a stormwater utility fee based on the measured number of ERUs on the parcel multiplied by the rate per ERU as set forth in Section b(1) above. All fractional ERUs will be rounded up to the next whole ERU.

(4) Vacant Parcels. The Village shall assess vacant parcels a stormwater utility fee that is equivalent to 0.3 ERU.

(5) Exemptions. The following property shall be exempt from paying the stormwater utility fee:

(a) Parcels that have been granted a property tax exemption in accordance with the provisions of Article 15 of the Illinois Property Tax Code (35ILCS 200/15 et seq.).

(b) Public rights-of-way.

(Ord. 5677, Amended, 12/19/2017; Ord. 5598, Amended, 12/20/2016; Ord. 5424, Amended, 12/02/2014; Ord. 5414, Amended, 11/11/2014, Effective 1-1-15; Ord. 5347, Amended, 12/03/2013; Ord. 5274, Add, 08/21/2012)

Section 25.67. Stormwater Utility Fee Credits and Incentives.

(a) The Village desires to encourage and recognize the benefits of on-site stormwater management by parcel owners and/or tenants. As a result, subject to certain conditions, parcel owners and/or tenants may be entitled to receive a one-time incentive or ongoing credit which will reduce their stormwater utility fee. Applications for credits or incentives must be filed in writing with the Stormwater Administrator, along with the required documentation as set forth on the application and the non-refundable application fee as set forth in Administrative Regulation entitled "Stormwater Credit & Incentive Manual". The Stormwater Administrator shall review an application for a credit or incentive, and shall either grant or deny the requested credit or incentive within forty-five (45) days of receipt of a completed application and payment of any applicable fees. Amounts for credit(s) or incentive(s) granted, are set forth in Administrative Regulation entitled "Stormwater Credit & Incentive Manual". The Village Treasurer or designee shall apply a credit or incentive granted by the Stormwater Administrator to the applicant's next regularly generated bill after approval of the credit or incentive. The Village reserves the right to enter upon the applicant's property to inspect said stormwater facility during the process of investigating the application and for determining continued compliance if granted a credit or incentive.

(b) Credit.

(i) The party who owns and is responsible for maintaining a qualifying stormwater management facility on a parcel may be eligible to receive a stormwater utility fee credit based upon the requirements set forth in the Manual. Subject to other provisions contained herein and those in the Manual, stormwater utility fee credits are provided for up to a maximum of five (5) years before the applicant has to re-apply. An applicant may apply and be eligible for more than one type of credit up to a maximum amount for each credit. Any credit allowed against the stormwater utility fee is conditioned upon continuing compliance with the Manual. Proof of continuing compliance will be required.

(ii) A credit may be forfeited under the following circumstances: failure to make

Downers Grove Municipal Code

stormwater utility fee payments; submission of inaccurate documents; failure to submit required annual documentation; failure to maintain a stormwater facility; and failure of a stormwater facility to operate as credited. Any party who has received an improperly issued credit shall be required to reimburse the Village.

(c) Incentive. Any parcel owner or tenant may be eligible to receive a one-time reduction in the stormwater utility fee per stormwater facility for the purchase, construction and installation of qualifying stormwater facilities. Some examples of incentives include but are not limited to rain barrels, rain gardens, green roofs, permeable pavement, and cisterns.
(Ord. 5274, Add, 08/21/2012)

Section 25.68. Billing and Payment.

(a) Bills for stormwater utility fees shall be rendered by the Village on a bi-monthly basis and may be billed in advance for services to be rendered.

(b) All bills for the stormwater utility fee will be billed on a common utility bill and collected along with the Village water charges, as provided by this Chapter. In the event the party responsible for the payment of the stormwater utility fee makes a payment insufficient to pay the total amount required by the common utility bill, the payment shall be applied first to the stormwater utility fee, then to any water charges. If the balance for the water charges remains unpaid for forty-five (45) days after the rendition of the bill, the water service may be discontinued in accordance with the procedures set forth in Section 25-35 of this Chapter 25.

(c) The owner of any parcel, the occupant thereof and the customer of the service of said system shall be jointly and severally liable to pay for such stormwater utility fee for said parcel.

(d) For those parcels not receiving a bill for water usage, the Village will send a separate stormwater utility fee bill to the owner of the parcel.

(e) Notice must be given to the Village by the parcel owner if it is desired that bills be forwarded to any other address than the parcel address.

(f) In the event a bill for water usage for numerous parcels with multiple owners is currently addressed to one party, the stormwater utility fee for each of those parcels will be added to that bill and be addressed to that same party who shall be responsible for payment.

(g) Payment must be received by the Village by close of business on the due date printed on the bill or a late charge of ten percent (10%) shall be due after such due date, which due date shall not be earlier than the fifteenth day of the month in which the bill is rendered. Failure to receive a bill does not entitle the owner or other responsible party to a remission of the late charge.

(h) The person in whose name the stormwater utility fee is being charged shall be responsible to the Village for all charges incurred through the date on which a change in ownership is effective or the date on which the Village is notified of the change, whichever is later.

(i) Modifications to parcel – In the event a parcel owner or tenant makes any modification to a parcel which changes the amount of impervious area on the parcel, the parcel owner or tenant must notify the Village at least ten (10) days before making such modification. An adjustment to the stormwater utility fee for a modification which results in an increase in the amount of impervious area will take effect as of the date of the modification. An adjustment to the stormwater utility fee for a modification which results

Downers Grove Municipal Code

in a decrease in the amount of impervious area, which has been confirmed by the Village, will take effect as of the date of notification to the Village. For purposes of this subsection, notice may be made by giving written notification to the Village or may be deemed to have been given by submitting an application for a permit for the modification when required.

(j) In the event a parcel owner sells a parcel, that parcel owner shall notify the Village no later than ten (10) days from the date of the sale.

(k) A pending application for a credit or incentive or a pending appeal shall not constitute a valid reason for nonpayment of a current stormwater utility fee.
(Ord. 5274, Add, 08/21/2012)

Section 25.69. Appeals.

(a) A parcel owner may submit an appeal in writing to the Village's Stormwater Administrator based on the following four categories only: the classification of the parcel, the amount of impervious area, the calculation of the stormwater utility fee, or the denial of a credit or incentive application. The written appeal must be submitted within thirty (30) days after the date the bill is issued or the application for a credit or incentive is denied. Such appeal shall state the reason and basis for the appeal. If the parcel owner requests the method for calculation of the stormwater utility fee, the Village shall make said information available within ten (10) business days after receipt of the written request. The Stormwater Administrator shall make a written determination within thirty (30) days after receipt of the parcel owner's completed written appeal.

(b) A parcel owner must provide all factual documentation and information necessary for the Stormwater Administrator to make a determination on an appeal. Failure by the applicant to provide necessary information as may be requested by the Village within required time frames is deemed an automatic denial of the appeal. A parcel owner has the burden of proof to show by a preponderance of the evidence that the classification of the parcel, calculation of impervious area or fee, or the denial of a credit or incentive application was incorrect.

(c) A decision of the Stormwater Administrator that is adverse to the parcel owner may be appealed to the Village Manager for review. Said appeal must be in writing, stating the basis for the appeal and must be filed with the Village Manager within thirty (30) days of the date of the Stormwater Administrator's written decision. The Village Manager shall make a written determination within thirty (30) days after receipt of the parcel owner's completed written appeal.

(d) A decision of the Village Manager that is adverse to the parcel owner may be appealed to the Oversight Committee for review. Said appeal must be in writing, state the basis for the appeal, and be filed with the Oversight Committee within thirty (30) days of the date of the Village Manager's written decision. The Village Manager shall forthwith transmit to the Oversight Committee all the papers constituting the record upon which the action appealed from was taken.

(e) Within sixty (60) days of receipt of a complete appeal petition, the Oversight Committee shall commence a public hearing. The appellant shall be notified of the public hearing date via first class mail. Otherwise, notice of the public hearing shall be in accordance with the Open Meetings Act. At the public hearing, the appellant shall be permitted to submit information and comments either verbally or in writing. The Oversight Committee shall control the conduct of such public hearing. The public hearing may be continued from time to time as directed by the Oversight Committee. Within thirty-five (35) days after conclusion of the public hearing, the Oversight Committee shall render a decision. The failure of the Oversight Committee to render a decision within thirty-five (35) days shall be deemed to be a

Downers Grove Municipal Code

decision denying the appeal. The decision of the Oversight Committee shall be considered a final decision and shall be subject to judicial review.

(f) If the Village Manager or Oversight Committee finds in favor of the party making an appeal, the adjustment of the fee or approved credit or incentive will be incorporated into the stormwater utility fee calculation for the specified parcel and will apply to the next regularly generated bill.

(Ord. 5332, Amended, 09/03/2013; Ord. 5274, Add, 08/21/2012)

Section 25.70. Lien and Collection.

(a) Stormwater utility fees shall be a lien upon the parcel for which the stormwater utility fee is due. Whenever a bill for stormwater utility fees remains unpaid for forty-five (45) days after it has been rendered, the Village Treasurer or designee shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the parcel served, the amount of the unpaid bill and a notice that the Village claims a lien for this amount as well as for all fees subsequent to the period covered by the bill, late fees, interest, penalties, administrative fees, and recording fees. If the user whose bill is unpaid is not the owner of the parcel and the Village Treasurer has notice of this, notice shall also be mailed to the owner of the parcel if his/her address is known to the Village Treasurer. The failure of the Village Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills.

(b) Parcels subject to a lien for unpaid stormwater utility fees shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the fees, after deducting costs, as is in case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in 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 parcel for which the bill has remained unpaid for forty-five (45) days after it has been rendered. The Village Attorney is entitled to attorney fees as determined by the court.

(c) In addition to recording and foreclosing on a lien, the Village may seek payment for past due stormwater utility fees, late fees, interest, penalties, administrative fees, and recording fees by sending same to collections or by filing suit in the circuit court. In either case, the Village may also recover its actual expenses so incurred, including but not limited to, court costs, collection agency fees, and reasonable attorney's fees.

(Ord. 5274, Add, 08/21/2012)

Section 25.71. Accounts.

The Village Treasurer 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 stormwater fund, and at regular annual intervals he/she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the stormwater fund. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the stormwater facilities. The financial information to be shown in the audit report shall include the following:

- (i) Billing data to show total number of billing units per fiscal year;
- (ii) Debt service for the next succeeding fiscal year.

(Ord. 5274, Add, 08/21/2012)

Downers Grove Municipal Code

Section 25.72. Violations; Penalties.

(a) It is hereby found and declared that any violation of any of the provisions of this Article is a public nuisance and shall be subject to injunctive relief in addition to any other penalties provided for under this Code or under applicable law.

(b) Any person found to be violating any provision of this Article shall be served via hand delivery or first class mail by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(c) Any person violating any provision of this Article or failing to comply with any of the mandatory requirements of this Article shall be guilty of an offense. Any person convicted of an offense under this Article shall be punished by a fine of not less than seventy five (\$75.00) nor more than seven hundred fifty dollars (\$750.00).

(d) Any person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Article is committed, continued or permitted by any such person, and shall be punished accordingly.

(Ord. 5274, Add, 08/21/2012)