

CHAPTER 17

WATER

17.001 Use of Village Water System Required

It shall be the duty of the owner, occupant, or party or parties in possession of any house, structure, factory, industrial or commercial establishment or any other building of any other character located within the Village corporate limits, to have each such house, structure, factory, industrial or commercial establishment or any other building of any other character at all times connected with the Village Water System as the sole source of potable water. This duty shall commence ninety (90) days from the date that a water main is or becomes available for such connection.

17.002 Initial and Minimum Charges for Water Service

There shall be charged a \$500.00 tap-on fee, for service to each property in which an application has been filed subsequent to the passage of this chapter. The tap-on fee shall apply for each 5/8 or 3/4 inch meter. Said tap-on fee shall be paid at the time the application is made to the Village for water service.

For meters larger than 3/4 inches, the tap-on fee will be the actual cost of installing the meter and appurtenances.

17.003 Villages Responsibility and Liability

- A. Ownership, Installation and Maintenance. The Village shall install, own and maintain the complete water system water mains and service lines to the property line or to a mutually agreed upon point subject to the Board of Trustees' determination that a particular service is economically feasible to install. In the event a user installs any part of the water system, such installation shall be in accordance with Section 17.005 B of this chapter. The Village shall furnish, install and maintain a meter and appurtenances, including a shut-off valve. The shut-off valve shall be installed on the user's property line or such other point determined by a duly authorized representative of the Village. The meter may be located near the shut-off valve or within the user's premises as determined by the Village representative. The meter and shut-off valve must be located at a point where it is readily accessible.
- B. Refusal of Service. The Village may at any time refuse additional services to any applicant if, in the judgment of the Board of Trustees, the capacity of the system will not permit such use.

- C. Liability. All water service supplied by the Village shall be upon the express condition that the Village shall not be liable nor shall any claim be made against it for damages or injury caused by shutting off the water for repair, relocation, or expansion of any part of the system, or failure of any part of the system or for concentration of water for such purposes as fire-fighting or restricted use of water.
- D. Use of Water on User's Premises. The Village shall reserve the right to use the water from the user's facilities at any time deemed necessary. No charge shall be made by the user for the use of his facilities and no charge shall be made by the Village for the water used by the Village.

17.004 Users Responsibility and Liability

- A. Installing and Maintaining Service Lines.
 - 1. The user shall be responsible for installation and maintenance of service lines between the curb stop and the residence or business. Such service lines must be at least 3/4 inches in diameter, and must be installed at a minimum depth of 6 feet. Service lines must have a minimum working pressure rating of 160 psi at 73.4 F and must be constructed of one of the following types of materials: Copper (Type K), Polyvinyl Chloride (PVC) Polyethylene or Polybutylene. Service lines must not be covered until they are inspected and approved by a duly authorized Village representative. The user will not connect any service line or any plumbing connected with the service line to any other water source. The service line must meet any requirements of the State of Illinois Environmental Protection Agency.
 - 2. In the event the user fails to maintain a service line, the Village, at its options, shall be permitted to cause any necessary repairs to be made thereto, all at users' expense. In the event the Village is caused to retain the services of any contractor to make repairs to a service line, and caused to incur the expense thereof, the users shall promptly pay to and reimburse the Village for all such costs and expense so incurred, together with any reasonable charge imposed to cover the cost of administering such service. The Village shall not be liable nor shall any claim be made against it for damages or injury caused by any Village employee, agent or contractor retained by the Village engaged in repairs to a service line. Nothing herein shall limit or absolve the user from ultimate liability from maintenance of a service line.

- B. Provisions for Location of Water Meter. The user shall permit the meter to be located upon his property.
- C. Easements. The user shall give such easements and rights-of-way as necessary to the Village and allow access for the purposes of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the Board of Trustees.
- D. Damage to Village Property. No user or person shall tamper, adjust, damage or in any manner interfere with the components or operation of the water system owned by the village. The shut-off valve shall be opened by a duly authorized representative of the Village. Penalty for tampering, damaging, adjusting or in any manner interfering with the components or operation of the system, shall be up to \$750.00 payable to the Village. If the penalty is not paid within 30 days after the amount is determined, the Village shall shut off the water service. In addition to the penalty, the user responsible shall reimburse the Village for the actual cost of repairing any damage arising from the user's or person's act. Users shall report any known evidence of tampering, adjusting, damaging or interference with the operation of the system, owned by the Village, to the President of the Board of Trustees. Any malicious act or damage to the system that is not appropriately punishable by the foregoing shall be prosecuted through a court of law.
- E. Specified Uses of Water. Water purchased from the Village may be used for ordinary domestic, industrial or farm use upon the premises of the user provided:
1. No user shall resell or permit the resale of water purchased from the Village.
 2. If more than one dwelling unit is located upon the premises, then the user shall make application for each dwelling unit. A separate shut-off valve, meter and service line shall be installed for each family unit. Every townhouse, duplex or apartment building shall have a separate service for each dwelling unit.
 3. If a commercial use and one or more dwelling units are located upon the premises, then the user shall make application for the commercial unit and each of the dwelling units. A separate shut-off valve, meter and service line shall be installed for each commercial unit and for each dwelling unit.

- F. Security Deposit. Each new user from and after the effective date of this amendment shall deposit with the Village Treasurer the sum of \$150.00 to guarantee the payment of the user's water charges. Said sum shall be deposited before the water service is turned on, and the Village shall have the right to refuse to provide water service until said deposit is paid. If, after 2 years from the date of deposit, the user has not been delinquent in the payment of any water charges, then the deposit shall be returned to the user without interest. If the user terminates the water service, the Village Treasurer shall refund the deposit less any outstanding or delinquent charges and refund the balance, without interest. *(Ord. 2008-11, amending Paragraph 17.004.F, Passed 10-06-2008)*
- G. Turn on Fee. Each new user from and after the effective date of this amendment shall pay to the Village a non-refundable turn on fee of \$50.00. Said sum shall be paid before the water service is turned on and the Village shall have the right to refuse to provide water service until said fee is paid. *(Ord. 2008-11, creating Paragraph 17.004.G, Passed 10-06-2008)*
- H. Water Turn-on and Turn-Off. Each user who terminates the water service, shall notify the Village of such termination and request a final water meter reading. Upon completion of the final water meter reading, the Village shall turn off the water to the user's building, apartment or facility, as the case may be, and shall not be turned on until a new user for such building, apartment, or facility has notified the Village to turn on the water and has tendered the security deposit and turn on fee as stated above. *(Ord. 2008-11, creating Paragraph 17.004.H, Passed 10-06-2008)*

17.005 Extension of Mains

- A. Determination of Who Pays Expense of Extension. The Board of Trustees shall first determine if an extension of a water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible, then the Village may install and pay the cost of the extension at the discretion of the Board of Trustees. If the Village elects not to pay the cost of extending the water main, then the person or persons desiring water service shall install the extensions at their own personal expense upon written consent by the Board of Trustees. The Village shall not pay for any extensions to an undeveloped area such as a subdivision being developed unless there are sufficient existing residences or businesses to make the extension economically feasible.
- B. Requirements if Extension is Installed by Someone other than the Village

1. The Village must approve all plans and specifications for any extensions, and be reimbursed for any engineering fees and expenses incurred in connection therewith.
2. Before any extensions are installed, the plans and specifications must be reviewed and approved by the State of Illinois Environmental Protection Agency.
3. Ownership, rights-of-way and title must be conveyed to the Village for all extensions installed by anyone other than the Village. The Village will maintain the mains thereafter.
4. No extension will be permitted if in the opinion of the Board of Trustees, the system does not have the necessary capacity to serve the proposed extension.

17.006 Consumption of Unmetered Water - Unlawful

All water consumed by a user under this chapter shall pass through a meter installed by the Village. It shall be unlawful and a violation of this chapter for any user to consume any water supplied through a Village water main prior to the passing of said water through the Village water meter installed upon said user's premises. The Village shall have the right to enter upon and inspect a user's premises for any violation of this section. In the event a violation is found to exist, in addition to such other penalties as are prescribed in this chapter, said user shall be liable for any and all expenses incurred by the Village in investigation and shall reimburse the Village for any damage incurred by the Village as well as for all such unmetered water consumed.

17.007 Change in Occupancy

- A. Notice to Village. Any user requesting a termination of service shall give written notice to the Village 10 days prior to the time such termination of service is desired. The meter shall be read by the Village and the user will be billed.
- B. Responsibility for Payment of Services Already Consumed. Responsibility for payment for water consumed prior to the date of termination shall be with the property owners as well as the user.
- C. Charges for Change. There will be no charge for transferring the water service to the subsequent user, however, the new user must comply with all of the applicable provisions of this chapter.

D. Sale of Property.

1. The requirement for a Village stamp to be placed upon all transfers of ownership of real estate shall be mandatory unless otherwise provided by this Section 17.007. Said requirement shall further be reflected on all real estate title insurance reports conducted precedent to the transfer of ownership to give public notice of receipt of said stamp. Copies of the ordinance codifying this Section of Chapter 17 shall be sent to all title insurance companies with an office in Kane County and the Kane County recorder of deeds with notice that the mandatory inspection of water meters and Village stamp is required on any transfer of ownership of real estate in the Village.
2. Any owner of real estate located within the Village that causes his or her property to be a user of water services for the purposes of Chapter 17 of the Municipal Code of Burlington of 2004, as amended, shall be required to notify the Village in writing of the owner's intent to sell the property within forty-eight (48) hours of going on the market for sale.
3. The Village requires a minimum notification of two (2) business days of a scheduled closing of the transfer or sale of real property within the Village to determine the amounts owed to the Village by the owner for water consumption. At least two (2) business days prior to the scheduled closing of the transfer or sale of real property, the owner shall be required to notify the Village of the owner's need for an inspection of the water meter and final read pursuant to this Section 17.007(D). Upon notification from the owner, the Village shall then schedule an inspection within forty-eight (48) hours of the proposed transfer of the real property by sale.
4. Upon conclusion of said inspection, the Village shall inform the owner of the amount owed to the Village together with any accrued penalties, and said amount shall be a debt immediately due and owing to the Village.
5. Upon receipt of payment for the amounts due to the Village from owner for water consumption, Village shall affix a stamp upon the original deed or document of transfer evidencing the transfer of the owner's real property.
6. Any failure of an owner to receive a stamp in conformity with the requirements of this Section 17.007 shall not relieve the owner of the obligation to pay any outstanding debt to the Village. Any person who takes title to real estate through a recorded deed that does not bear the Village stamp shall become joint and severally liable with the previous owner to the Village for any outstanding debt accruing based upon the real property's status as a user of water within the Village.
7. The following transfers are exempt from paragraphs 1-6 of this Section 17.007:

- a. Transfers involving real property acquired by or from any governmental body.
- b. Transfers in which the deed, assignment, or other instrument of transfer secures debt or other obligations and no new or additional parties take possession of the property.
- c. Transfers in which the deed, assignment, or other instrument of transfer, without additional consideration, confirms, corrects, modifies or supplements a deed, assignment, or other instrument of transfer previously recorded or delivered.
- d. Transfers in which the deed is a tax deed.
- e. Transfers in which the deed, assignment, or other instrument of transfer releases property which secures debt or other obligations.
- f. Transfers in which the deed is otherwise pursuant to a court decree.
- g. Transfers between a subsidiary corporation and its parent or between subsidiary corporation of a common parent either pursuant to a plan of merger or consolidation or pursuant to a plan of reorganization providing for the sale of substantially all of the seller's assets.
- h. Transfers from a subsidiary corporation to its parent for no consideration other than the cancellation or surrender of the subsidiary's stock and transfers from a parent corporation to its subsidiary for no consideration other than the issuance or delivery to the parent of the subsidiary's stock.
- i. Transfers in which the deed or other instrument of transfer is issued to the mortgagee or secured creditor pursuant to a mortgage or security interest foreclosure proceeding or sale or pursuant to a transfer in lieu of foreclosure.
- j. Transfers in which an additional party is added to title and the existing or prior titleholder remains in title and continues to reside at the property.
- k. Transfers by an executor or administrator to a legatee, heir, or distributee where the transfer is being made pursuant to will or by intestacy.
- l. Transfers from a decedent to an executor or administrator.
- m. Transfers from an incompetent to a conservator or similar legal representative, or from a conservator or similar legal representative to a former incompetent upon removal of disability.

- n. Transfers from a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee, or from such trustee to such receiver or upon redelivery or retransfer by any such transferee or successor thereto.
- o. Transfers from trustee to surviving, substitute, succeeding, or additional trustees of the same trust.
- p. Transfers upon the death of a joint tenant or tenant by the entirety to the survivor.
- q. Transfers into or out of a land trust for no additional consideration and where the titleholder or beneficial owner retains possession and continues to reside at the property.
- r. Such other transfers which are specifically exempted by Illinois or federal law.

(Ord. 2021-5, amending the above Section 17.007(D), Passed 8-2-2021)

17.008 Payment of Bills

- A. **Date Due.** The Due Date will be the 28th of each month commencing on April 1, 2024. The meters will be read by the Village on or about the first day of each quarter. The quarter shall commence on December 1, 1980. If weather conditions or other circumstances prevent the reading of meters, then each water bill will be estimated by the Village. Bills will be mailed as the Board of Trustees determines from time to time, but no less than monthly. The bills shall be deemed to be delinquent the day after the due date. Bills will be paid to the Treasurer of the Village or to a designated representative as the Board of Trustees shall determine from time to time.

(Ord. 2024-2, amending Paragraph 17.008.A, Passed 3-18-2024)

- B. **Penalties for Late or Non-Payment.**

- 1. In addition to the penalties or fines provided in this chapter, there will be a 3% per month penalty added to each service bill that is unpaid after monthly due date. The penalty provided herein shall be assessed on any and all amounts outstanding and due and owing as of the date of delinquency.
- 2. Any bills remaining unpaid as specified in (1) above shall constitute a lien upon the real estate to which the service has been rendered. The Village Clerk is authorized to file a notice or claim of such lien in the Office of

the Recorder, Kane County, Illinois. The Village Attorney is authorized to institute such legal action in the name of the Village as is necessary to collect any delinquency or foreclose a lien.

3. All reasonable costs and expenses, including certified mailings, attorneys fees, fees for service of process and filing fees (whether pre-judgment or postjudgment) incurred by the Village or required to collect any delinquency shall be paid by the user and may form a part of any judgment rendered against a user.

(Ord. 2024-2, amending Paragraph 17.008.B, Passed 3-18-2024)

- C. Penalties for Checks or Drafts not Honored upon Presentment. Any water user under this Chapter who issues a check or other draft to the Village for payment of a water bill that is not honored upon presentment because the user does not have an account with the drawee bank or because the user does not have sufficient funds in his account shall be further liable to the Village for any actual costs incurred by the Village in the return of said item together with an additional administrative charge of \$35.00. The Village shall have no obligation to re-present any such dishonored item for payment, once dishonored.

17.009 Procedure for Discontinuance of Service

The following procedure shall apply in the discontinuance of water service to a user in the event there has been a violation of this chapter by the user:

- A. In the event the user is delinquent in payment on a water bill pursuant to Section 17.008 of this chapter, the Village shall proceed to discontinue water service in the following manner:
 1. After a user's bill becomes delinquent, the Village shall send a notice by e-mail or regular mail of the arrearage due giving the user 14 days' notice of the Village's intent to issue a "water turn-off" notice to terminate the water service. If the user is a renter, the owner, if known, shall be notified in writing that the occupant, or water user, is in arrears, and that a lien may be placed upon the property.
 2. The foregoing notice shall also inform the user (or owner, if applicable) of his right to request a hearing or other administrative review before a Village representative chosen by the Village President within 14 days to challenge the proposed termination of water service as unjustified and to otherwise review and attempt to resolve the matter without termination of

service. In the event the user (or owner, if applicable) fails to file a written request with the Village Clerk for such a hearing or review within 14 days, then said user or owner shall be deemed to have waived his right to contest the violation alleged and action proposed by the Village.

3. In the event the user or owner makes a timely request for review of the proposed action, then a hearing shall be held by the individual designated by the Village President no later than 7 days after the expiration of said 14 day notice.
 4. Upon expiration of said 14 day notice, in the event the user or owner fails to make timely written application for review, a “water turn-off notice” shall be issued to said water user or occupant, and a copy of said notice shall be mailed or e-mailed to the owner, if known. Said notice shall inform the recipient that in the event the delinquency is not satisfied in full within 5 days, if notice was personally delivered, or within 8 days, if notice was mailed, then the Village shall terminate water service. Upon expiration of the applicable time period, if said delinquency is not satisfied, the water service shall be terminated.
 5. At the time of notice of any water bill arrearage, or a “water turn-off notice”, the Village may accept any reasonable payment plan and confirm said agreement by a letter sent certified mail with an explanation of the payment schedule established, indicating the dates and amounts of the payments. The letter shall also state a warning that if any payment is not paid as agreed upon, then the procedure in paragraph 4 above shall be reinitiated.
 6. Before any water service is terminated, the owner of the property, if not a user, shall be mailed a letter indicating that the water user of the property has not paid a water bill arrearage and that the water service will be terminated without further notice.
 7. “Owner” shall be the legal titleholder of the property or real estate as disclosed by the records of the Kane County Recorder, Geneva, Illinois.
- B. In the event the user or occupant or owner is in violation of any provision of this chapter other than those pertaining to non-payment of water bills, the Village shall proceed to discontinue water service in the following manner:
1. The Village shall send a notice by certified mail of the violation alleged by the Village, giving the user 14 days’ notice of the Village’s intent to issue

a water turn-off notice” to terminate the water service. If the user is a renter, the owner, if known, shall be notified in writing that the occupant, or water user is in violation of this chapter and that the appropriate action is being taken accordingly by the Village.

2. The foregoing notice shall also inform the user (or owner, if applicable) of his rights to request a hearing or other administrative review before a Village representative chosen by the Village President within 14 days to challenge the proposed termination of water service as unjustified and to otherwise review and attempt to resolve the matter without termination of service. In the event the user (or owner, if applicable) fails to file a written request with the Village Clerk for such a hearing or review within 14 days, then said user or owner shall be deemed to have waived his right to contest the violation alleged and action proposed by the Village.
3. In the event the user or owner makes a timely request for review of the proposed action, then a hearing shall be held by the individual designated by the Village President no later than 7 days after the expiration of said 14 day notice.
4. Upon expiration of said 14-day notice, in the event the user or owner fails to make timely written application for review, a “water turn-off notice” shall be issued to said water user or occupant, and a copy of said notice shall be mailed to the owner, if known. Said notice shall inform the recipient that within 5 days, if notice was personally delivered, or within 8 days, if notice was mailed, the Village shall terminate water service. Upon expiration of the applicable time period, a “Red Tag for Shut Off” shall be affixed to the place of water use and the Village shall terminate water service. If a “Red Tag for Shut Off” is affixed to the place of water use, there will be a \$50 fee added to the outstanding water bill due.
5. Before any water service is terminated, the owner of the property, if not a user, shall be mailed a letter indicating that there has been a violation of this chapter by the user and that the water service will be terminated without further notice.
6. “Owner” shall be the legal titleholder of the property or real estate as disclosed by the records of the Kane County Recorder, Geneva, Illinois.

(Ord. 2024-2, amending Paragraph 17.009.B, Passed 3-18-2024)
(Ord. 2024-4, amending Paragraph 17.009.B, Passed 5-6-2024)

- C. In the event water service has been terminated and the user subsequently seeks reinstatement and reconnection of water service, prior to reinstatement and reconnection, and payment of the total balance due, there shall be paid to the Village a non-refundable reconnection fee of \$100.00 and a refundable deposit of \$250.00. The refundable \$250.00 deposit shall be held by the Village for a period of time of not less than 24 months from the date of reconnection or the date of issuance of the last delinquency notice by the Village to the user, whichever date is later. The Village may draw on the refundable deposit to pay any delinquent water bills, any late charges, costs or other fees or charges permitted to be recovered by the Village as a result of any delinquency or default on the part of the user under the provisions of this chapter. The Village shall return any unused portion of said refundable deposit to the user after the expiration of a continuous 24 month period during which there were no water bill delinquencies. In addition to the foregoing, the Village may charge a delinquent user an administrative fee of \$5.00 each time the Village issues to such user any notice under paragraphs A or B hereinabove.
- (Ord. 2006-11, amending Paragraph 17.009.C, Passed 8-21-2006)***
(Ord. 2024-2, amending Paragraph 17.009.C, Passed 3-18-2024)

17.010 Rate Schedule

A. The following rates shall be charged to all users for water supplied by the Village.

1. For residential users:

a) Monthly meter fee determined as follows:

(1) for a meter up to 1 inch in diameter: \$2.00

(2) for every ½ inch or fraction thereof above 1 inch,
the fee shall double.

b) Monthly fixed fee: \$25.50

c) Quarterly fee per one thousand gallons for first 22,500 gallons supplied
per quarter: \$4.00 per thousand

d) Quarterly fee per one thousand gallons in excess of first 22,500 gallons
supplied per quarter: \$7.75 per thousand

2. For commercial, industrial and institutional users:

a) Monthly meter fee determined as follows:

(1) for a water meter up to 1 inch diameter: \$2.00

(2) for every ½ inch or fraction thereof above 1 inch,
the fee shall double.

b) Monthly fixed fee: \$25.50

c) Fee per one thousand gallons supplied: \$4.00 per thousand

3. For users who do not have meters, the rates shall be as follows:

a) Burlington Community Fire Protection District,
per hydrant, per year: \$20.00

b) Bulk water per one thousand gallons supplied: \$15.00

(1) In addition to the foregoing rate, bulk water users who shall require
water on a per-day basis shall also be charged a non-refundable fee of
\$50.00 per day for use.

(2) Bulk water users who shall require water on a per-day basis shall also be required to deposit \$100 with the Village Treasurer or his designee for such water use. The deposit as set forth herein shall be refunded upon payment in full for water.

(3) Any person, business, corporation, limited liability company, sole proprietorship or partnership that is employed under contract by the County of Kane or any railroad company that provides railway services within the corporate limits that presents evidence satisfactory to the Village to establish that said person, business, corporation, limited liability company, sole proprietorship or partnership is a contractor hired for service by the County of Kane or railroad company shall not be obligated to deposit the foregoing sum with the Village Treasurer as set forth herein.

c) All other non-metered users: \$105.00 per quarter

(Ord. 2021-5, amending Section 17.010.A, Passed 8-2-2021)

- B. All residential users shall be billed monthly for each of the first two months of a quarterly billing cycle for the meter fee, the fixed fee and for 3,000 gallons of water usage. The third, and final bill of a quarterly billing cycle for residential users shall include the meter fee, the fixed fee and the final billing for actual water usage for the quarterly billing cycle. All commercial, industrial and institutional users shall be billed monthly for each of the first two months of a quarterly billing cycle for the meter fee, the fixed fee and for estimated monthly usage of water based upon prior usage. The third and final bill of a quarterly billing cycle for commercial, industrial and institutional users shall include the meter fee, the fixed fee and the final billing for actual water usage for the quarterly billing cycle.

(Ord. 2008-4, amending Section 17.010, Passed 7-7-2008)

17.011 Cross-Connection Control

- A. All plumbing installed within the Village of Burlington, shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code and local regulations.

- B. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Burlington may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water and the Illinois Environmental Protection Agency.
- C. It shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of industrial, institutional, commercial, and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the Superintendent of Water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.
- D. The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Burlington for the purpose of verifying the presence or absence of cross-connections or testing backflow devices or assemblies, and that the Water Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Burlington for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand the owner, lessees or occupants of any property so served shall furnish to the Superintendent of Water any information that 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 Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this ordinance and shall require that backflow protection be installed on the service line to the premises.
- E. The Superintendent of Water of the Village of Burlington is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this ordinance, and until a reconnection fee of \$100.00 is paid to the Village of Burlington. Immediate disconnection with verbal notice can be effected when the Superintendent of Water is assured that 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 can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent of Water or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Public Water Supply, the Superintendent of Water, or its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination was with or without notice.

- F. Any person who has knowledge of a backflow into any potable water system or the public water system must report that backflow to the water department immediately upon becoming aware of the backflow. Any person responsible for any substance that enters the potable water system through backpressure or backsiphonage, or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device that has been bypassed, must bear the cost of clean-up of the potable water supply system.
- G. The Village may adopt by separate ordinance additional regulations on cross-connection control to implement the general provisions of this Section consistent with all applicable lawful regulations.

(Ord. 2008-14, amending Section 17.011, Passed 10-20-2008)

17.012 Water Conservation Regulations

- A. Definitions. The following words and phrases when used in this Section shall, for the purpose of this Section have the following meanings:

Drip-Irrigation System: A soaking-type hose that when in use does not result in an actual dissipation of Water.

Drip-Line: Pertaining to a tree or shrub, the ground area immediately beneath the branches of the tree or shrub.

Landscape / Landscaping: Sod and seeded turf lawns, gardens, trees, shrubs, and other living plants.

Permitted Hours of Water Use: A time period between 5:00 a.m. and 9:00 a.m., and between 9:00 p.m. and 12:00 midnight, each day.

Person: Any individual, firm, partnership, association, corporation, company, organization, or entity of any kind.

Village: The Village of Burlington, Kane County, Illinois.

Water: The water provided by and obtained by any person from the Village water supply and distribution system.

B. Application.

1. The provisions of this Section shall apply to all Persons using Water, and to all properties within the Village or in unincorporated areas which are connected to the Village's Water supply and distribution system, regardless of whether any Person using the Water has a contract for service with the Village.
2. The provisions of this Section shall apply annually from May 1 through September 30, subject to any modifications thereof, including application of these or other regulations during this or any other time, by an Emergency Proclamation issued pursuant to Paragraph 1 below.

C. Restricted hours and Days for Specified Uses

1. Water may be used for landscape watering or the filling of swimming pools only as follows:
 - a. All properties with even-numbered (i.e., numbers ending in 0, 2, 4, 6, or 8) may use Water for landscape watering, or for pool filling, only on an even-numbered calendar dates during Permitted Hours of Water Use.
 - b. All properties with odd-numbered street numbers (i.e., numbers ending in 1, 3, 5, 7, or 9) may use Water for landscape watering, or for pool filling, only on odd-numbered calendar dates during Permitted Hours of Water Use.
 - c. There shall be no restrictions as to hours or days when Water may be used for any of the following:
 - 1) Landscape watering or sprinkling where such watering or sprinkling is done by a Person using a hand-held watering device;
 - 2) Filling swimming pools with a volume of fifty (50) gallons or less;
 - 3) The automatic watering of trees and shrubs by means of automatic root-feed or Drip-Irrigation Systems within the Drip Line of the tree or shrub; or
 - 4) Vehicle and equipment washing; or

- 5) Any other lawful use of Water such as bathing, clothes washing, and other normal household uses not otherwise specifically restricted by the provisions of this Section.

D. Restrictions for Sod Laying and Lawn Seeding for New Lawns. Notwithstanding the provisions of Paragraph C above, the following special regulations shall apply:

1. Sod laying, lawn seeding, and the planting of other landscaping for the establishment of a new lawn or new landscaping is prohibited from July 1 through August 31 each year.
2. From May 1 through June 30, and from September 1 through September 30, Water may be used on new lawns (sod or seed), only as follows:
 - a. On the day new sod or seed has been placed on a property, a Person may use an automatic sprinkling device to apply water to the sod or seed for a total period of time not to exceed eight (8) hours.
 - b. For the next nine (9) days thereafter, a Person may apply water to said sod or seed each day during Permitted Hours of Water Use.
 - c. Following the first ten (10) days after the sod or seed is placed, the provisions of Paragraph C above shall apply.
3. Prior to the execution of any real estate contract for the sale of newly constructed property, the builder or owner of such new construction shall:
 - a. Inform prospective purchasers of the restrictions upon the installation of new lawns set forth in this Section;
 - b. Attach a copy of these regulations to the contract; and
 - c. Obtain the signature of the purchaser(s) on a statement that he, she or they has (have) been informed of the new lawn installation restrictions set forth in this Section.
4. The applicant for a certificate of occupancy for any newly constructed property shall submit as a part of his application, and as a condition of issuance of such certificate, a copy of said signed statement. When an application for certificate of occupancy is submitted prior to sale of the property, and the future occupant is unknown, the applicant shall submit his signed statement that he shall comply with the requirements of this Section at the time the real estate contract is executed.

- E. Waste of Water Prohibited. No Person shall allow a continuous stream of Water to run off into any gutter, ditch, drain, or street inlet while using Water for restricted purposes during the Permitted Hours of Water Use.
- F. Exceptions. The provisions of this Section shall not apply to any commercial or industrial entity for which use of Water is necessary to continue normal business operations, or to maintain stock or inventory. Provided, however, this exception shall not apply to any and all uses of Water not essential to normal business operations or maintenance of inventory or stock, and specifically shall not apply to landscape watering or pool filling.
- G. Bulk Water Rates. Bulk Water rates shall be increased to three (3) times the non-resident water rate during the time described in Paragraph B2.
- H. Hydrant Use Prohibited. Hydrants connected to the Village water supply and distribution system for the purpose of providing Water for fire fighting purposes shall not be opened by any Person, other than authorized Village or Fire District personnel, except for the purpose of fighting a fire.
- I. Emergency Water Shortage Proclamation:
 - 1. Whenever the water supply of the Village is diminished from any cause, including, but not limited to prolonged dry period, increased water demand, equipment failure, or water quality concerns, to an extent which, in the opinion of the Village engineer or Superintendent of Public Works is or is likely to become dangerous to the health and safety of the public, the Village President is hereby authorized and empowered to issue an emergency proclamation specifying immediate regulations and limitations on the use of potable water supplied by the Village water supply in the Village. Such regulations may provide for limitations on the usage of water, limitations on day and hours of use of water for sprinkling and other outdoor purposes and the prohibition of specified uses of water within the Village.
 - 2. Notification of Emergency Proclamation. Upon issuance of such emergency proclamation, the Village President shall cause the contents thereof to be known to the public by posting a copy thereof at three public places within the Village, including the Village Hall, and shall further endeavor to release the same to any local media and shall further endeavor to notify the Village residents and other interested persons in any other practical matter that may be appropriate. In addition, the Village President shall immediately deliver notice of such proclamation and the regulations that have been imposed by such proclamation to all Trustees.
 - 3. Effective Date of Emergency Proclamation. The Emergency Proclamation of the Village President shall become effective upon issuance and posting thereof in accordance with the previous section of this Ordinance and all

regulations imposed thereby shall remain in full force and effect until any one of the following shall first occur:

- a. The Village President determines that the emergency no longer exists and the Emergency Proclamation and the regulations imposed thereby shall no longer continue in effect
- b. The Board of Trustees of the Village modifies or repeals the Emergency Proclamation and the regulations imposed thereby by means of an Ordinance enacted at any regular or special meeting of the Board of Trustees of the Village.
- c. The first regular meeting of the Village Board of Trustees occurring more than 30 days after the date of the Emergency Proclamation of the Village President.

4. Notification and Warning. Any Village employee or officer may, at the discretion of the Village President, notify and warn any person of the effect of said Emergency Proclamation and direct that person to comply with said water use restrictions. If any said person, after having been first warned about said restrictions and said proclamation, shall continue to violate said restrictions of the Emergency Proclamation, then such person shall be deemed to be in violation of this ordinance.

J. Penalty. Any person who or which violates, disobeys, neglects, fails to comply with or resists enforcement of the provisions of this Section shall, within 10 days of receiving notice of such violation, pay to the Village Clerk, a fine as follows:

1. \$100.00 for first offense;
2. \$250.00 for second offense;
3. \$750.00 for each subsequent offense.

Each day a violation occurs a continuance shall be considered a separate violation for purposes of this ordinance. The amount of any fine due pursuant to this ordinance, if not paid as provided herein, shall be added to the bill for water consumption for the property at which the offense occurred and may be included in any lien for water charges which the Village may be entitled to and record against such property.

17.013 Unauthorized Use of Water

A. Non-Resident Water Usage

It shall be unlawful for any non-resident of the Village of Burlington to take, use or appropriate for any purpose any water supplied from or through the Village's

potable water supply system without prior authority or permission from the Village of Burlington. Any water so supplied to a non-resident shall be done only upon the prior approval and under proper supervision and control of the Village of Burlington Water Department and further, only upon such terms and conditions as the Village of Burlington Water Department deems appropriate to protect the integrity of the Village's potable water supply system and the health, safety and welfare of the residents of the Village. Any water supplied to a non-resident user shall be supplied only at those rates and under those terms and conditions as may be established from time to time by the Village Board. For purposes of this Section, a non-resident is defined as any person, firm or corporation or other entity who is not an owner, occupant or party or parties in possession of any house, structure, factory, industrial or commercial establishment or any other building of any other character located within the Village corporate limits.

B. Resident Usage

It shall be unlawful for any resident of the Village to take, use or appropriate for any purpose any water supplied through the Village's potable water supply system in any manner other than that as set forth in the Village's Water Ordinance, codified as Chapter 17 of the Municipal Code of the Village of Burlington.

17.014 Violation – Penalty

Except as otherwise expressly provided in Section 17.012, any person, firm or corporation violating any provisions of this chapter shall be fined not less than \$100.00 nor more than \$750.00 for each offense; and a separate offense shall be deemed committed each day during or on which the violation occurs or continues.