

**DEVIL'S KITCHEN WATER DISTRICT  
ORDINANCE NO. 8-2012 RULES, RATES, AND REGULATIONS FOR WATER  
SERVICE**

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Adopted 08/09/2012  
Published 09/12/2012  
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This ordinance has been duly published  
under the provisions of 70 ILCS 3705/23  
Public Water District Act  
(formerly Chapter 111 2/3 Illinois Revised Statutes, Section 188 et seq.)

OFFICIALS  
of the  
**DEVIL'S KITCHEN WATER DISTRICT**

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Evan Buffington  
**Chairman**

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Stephen Wilson  
**Vice Chairman**

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Charles Lennox  
Mark Warnecke  
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**DEVIL’S KITCHEN WATER DISTRICT  
RULES, RATES AND REGULATIONS**

**ORDINANCE NO. 8-2012**

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**DEVIL’S KITCHEN WATER DISTRICT  
RULES, RATES AND REGULATIONS FOR WATER SERVICE  
ORDINANCE NO. 8-2012**

AN ORDINANCE establishing and revising rules, rates, procedures, regulations and standards for the operation of the Devil’s Kitchen Water District in Williamson County, Illinois.

BE IT ORDAINED by the Chairman and Board of Trustees of the DEVIL’S KITCHEN WATER DISTRICT as follows:

This Ordinance shall be known as the 2012 comprehensive amendment to the Devil’s Kitchen Water District Water Ordinance and may be cited as the "Amended Water Ordinance of 2012."

This Ordinance shall refer only to the commission or omission of acts within the territorial limits of the Devil’s Kitchen Water District now in force or as hereafter from time to time altered.

**GENERAL PROVISIONS**

**1.1 Purpose of Regulations**

This Ordinance is designed to provide rules and regulations governing the operations of the Devil’s Kitchen Water District (“District”), and to establish the rate to be paid for water service. It is intended to govern areas currently served and which may become a part of the District hereafter. This Ordinance is intended to promote the public health, safety, comfort and welfare of persons served by the District, and to provide for the orderly growth and harmonious development of the Devil’s Kitchen Water District.

**1.2 Objectives**

The Devil’s Kitchen Water District is organized under the Illinois Public Water District Act, 70 ILCS 3705/0.01, *et seq.* (“Act”) to provide adequate water service within its boundaries.

**1.3 Administration**

**A. Board of Trustees**

The District is governed by its Board of Trustees (“Board”), who are appointed pursuant to Section 4 of the Act. The Board consists of seven (7) Trustees. Trustees shall be selected from among those persons who are patrons of the District who are currently connected to water distribution system and are paying for water service as assessed by the District. Employees of the District shall be eligible to be appointed as a Trustee; and no Trustee shall be removed as such solely because such person becomes employed by the District.

Trustees shall be appointed by the Board and approved by the Williamson County Board of Commissioners; and shall serve for a five (5) year term. Trustees may serve more than one term.

If any trustee shall fall in arrears in payment to the District for the above denoted services for a period in excess of ninety days, notification shall be made by the District Secretary to the appointing authority with a recommendation that the trustee so noted shall be removed from office and a successor be duly appointed.

In accordance with Section 5 of the Act, the Board shall select a Chairman from among the Trustees who shall serve as executive administrator of the District. He shall preside over meetings of the Board and shall represent and serve as liaison between the District and other public agencies. The Chairman shall administer the business of the District, and fulfill the mission of the District as directed by the Board. A Vice-Chairman shall also be selected to conduct the monthly Board meetings when the Chairman is not present. The Board shall appoint annually a Secretary and Treasurer from the staff of the District; provided that, in accordance with the Act, the persons so appointed shall not be Board members. The Secretary shall be responsible to prepare the agenda of Board meetings and to make it available prior to the meeting.

Trustees shall be compensated \$588.00 per year for their service as a Trustee. There shall be no additional compensation paid for service as Chairman or Vice-Chairman. Should the Trustee, also, be an employee of the District, the compensation paid for the services provided in the capacity as an employee shall be in addition to the foregoing compensation paid for services as a Trustee, and shall be no greater than market rate for the services being performed as an employee.

## **B. General Manager and Operators**

The District shall employ a full-time General Manager to administer the day to day business of the District. The Board shall establish the rate of compensation and benefits paid to the General Manager. The General Manager shall have the following areas of responsibility and conditions of employment:

1. To provide centralization of responsibility for insuring the execution of the District mission of water service to the public.
2. To relieve the Board of supervisory administration and operational details and permit it to more effectively concentrate its efforts on matters of District governance.
3. Such duties shall be performed by General Manager as a full-time employee. General Manager shall devote his full time and effort to the duties to be performed by him for the District and shall not be directly or indirectly involved in any other business. This Section shall not prohibit the General Manager from being a non-working investor in any type of business, nor from owning a non-controlling number of shares of stock in a publically traded business.
4. To supervise and administer all operations of the District in accordance with the laws of the State of Illinois, this Ordinance, and the policies of the Board; and to act as general agent of the Board in carrying out the public service mission of the District.

5. To sign checks and fiscal documents prepared by the Treasurer, Secretary, and other District officials.
6. To employ, supervise, discharge, and fix the compensation of any and all District employees and to establish the duties and conditions of employment for said employees.  
Notwithstanding the foregoing, the General Manager shall have no authority to employ, discharge, or fix the compensation of a person who is then an acting Trustee of the District, without the express approval of a majority of the other Trustees.
7. To prepare the budget for approval by the Board and insure the solvent fiscal operation of the District.
8. To incur District obligation as required by necessity (not to exceed \$5,000.00 for any transaction, without prior Board approval), provided an approved line item in the District's budget authorized by the Board will be available to pay such obligation.
9. To exercise custodianship of negotiable instruments, stocks, bond contracts, and similar documents owned by the District.
10. To establish and disestablish accounts with financial institutions, as General Manager deems necessary.
11. To execute User contracts with prospective customers of the District.
12. To obtain grants, permits, and related matters with the appropriate local, state and federal governments or governmental agencies.
13. To negotiate and execute professional service contracts with professionals such as engineers and surveyors, subject to Section 8 above.
14. To negotiate and execute contracts with general and subcontractors for the performance of work to be done for the District, subject to Section 8 above.
15. To direct General Manager's time and effort to administrative duties of the District and to perform hands-on operational and maintenance work, as necessary for the efficient operation of the District.
16. To maintain with the state General Manager's license to operate the District's water system. General Manager shall attend any and all classes and take any and all courses required to accomplish same.
17. To keep the Board advised of the operations and issues facing the District so as to allow the Board to have all facts necessary or useful to perform their governance duties.
18. To live in the territory of the District within 90 days of commencement of service.
19. To perform and exercise such other powers and duties as may be conferred upon him by resolution of the Board.

20. It shall be the duty of the General Manager to take all action necessary or required by the laws of the state to file all claims for money due to the District and, subject to Board approval, to prosecute and enforce these claims in the manner, form, and time permitted by the laws of the state.

### **C. Records and Accounts**

1. The Board shall establish a system of accounts and the General Manager shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water system.
2. The State Environmental Protection Agency or its authorized representative shall have access to any books, audit reports, documents, papers, and records of the District which are applicable to the District system of User charges, including expenditures for the purpose of making any audit, examination, excerpt, and transcription thereof to insure compliance with the terms of the special and general conditions to any state grant.
3. Monthly, the General Manager shall prepare and provide to the Board a statement of checks written and a statement showing the actual income and expenses compared to the budget.

### **D. Annual Audit Report**

At regular annual intervals, the Board shall cause an audit to be made of the books by an independent certified public accountant licensed in Illinois to perform audits, and experienced in fund accounting. The annual audit report shall be completed no later than 60 days after close of the fiscal year and shall reflect the revenues and operating expenses of the District.

The financial information to be shown in the audit report shall include, but not be limited to, the following:

1. Flow data showing total gallons received at the source of supply connection(s) for the current fiscal year.
2. Flow data showing total gallons pumped from the water supplier. Total gallons and purpose of any water not delivered to meters. Billing data to show total number of gallons billed.
3. Debt service for the next succeeding fiscal year.
4. Number and classification of Users connected to the system.
5. Number and classification of non-metered Users.

### **E. Copy of Regulations**

A copy or memorandum of these regulations properly certified by the Manager shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real

estate of their liability for service supplied to any Users of the service of the water system of the District on their properties.

## **RATES, CHARGES AND BILL PAYMENT**

### **2.1 Rates - Residential /Commercial**

Each Residential and/or Commercial User shall be charged and pay the following each month:

Up to the first 1,000 gallons - \$20.00. The minimum bill shall be \$20.00 per month on a single Meter.

All consumption thereafter is \$9.00 per thousand gallons.

In addition to the above charges, at anytime when the water level at the Lake of Egypt spillway falls below the levels specified below and Lake of Egypt Water District imposes the charges specified in its Ordinance 080712-1, or any amendment thereto hereafter adopted, each User shall also be charged and pay the following additional amounts:

24 inches below the spillway - \$1.00 per thousand gallons or any part thereof.

30 inches below the spillway - \$2.00 per thousand gallons or any part thereof.

36 inches below the spillway - \$3.00 per thousand gallons or any part thereof.

40 inches below the spillway - \$5.00 per thousand gallons or any part thereof.

48 inches below the spillway - \$10.00 per thousand gallons or any part thereof.

### **2.2 Rental Property**

To apply for water service, occupants/Users occupying rental property must have the application co-signed by the Owner of the property receiving the water service.

### **2.3 Metered Service Unless Otherwise Approved:**

Service for water shall be by Meter only. All Meters must be sealed by District personnel.

### **2.4 Water Used by District (Including Unaccounted)**

All water used by the District exclusive of water from flush hydrants and unaccounted for water (e.g. system leakage) shall be metered. This includes water used in conjunction with operations at the office itself.

## **2.5 Inoperable Meters**

If a Meter fails to provide the correct amount of consumption, the District shall repair or replace said Meter. For the month of failure, the District will estimate the consumption based upon the previous month's consumption.

## **2.6 Billing**

The Meters will be read on or about the 20<sup>th</sup> of each month and bills will be mailed by the last day of each month, the same being due and payable on the 25<sup>th</sup> of the following month. If weather conditions or other circumstances prevent the reading of Meters, then each water bill will be estimated by the District based on the average of the three previous months' usage. Bills will be paid to the District in person or by mail at 3324 Grassy Road, Carbondale, Illinois.

## **2.7 Notice of Non-payment**

A late fee of twelve percent (12%) will be added to each bill that is unpaid by the due date. The water supply to the property affected will be shut off after the 10<sup>th</sup> of the month by the District after written notification to the User, which notice may be posted at the property and/or delivered by U.S. mail or email. Service will not be restored until the delinquency, late charge and below reconnection fee are paid in full. The reconnection fee shall be \$50.00 for the first delinquency, \$75.00 for the second, and \$100.00 for the third and all other delinquencies in 1 rolling year's time. If there are no shut-offs for 1 year, the fee will go back to \$50.00.

## **2.8 Delinquent Accounts**

Whenever the District undertakes the collection of delinquent water bills or any other delinquent charges billed to the User or property Owner, the District is entitled to recover its costs of collection, including reasonable attorney's fees and expenses, court costs and any other expenses related to the collection process, and regardless of whether or not litigation was initiated for purposes of collection. The above expenses shall also become a lien on the real estate to which the delinquency relates, pursuant to Section 23f of the Act and pursuant to this Ordinance.

## **2.9 Changes in Occupancy**

There shall be no charge for transferring the water service to a subsequent User. Any User requesting a termination of service shall give written notice to the District ten (10) days prior to the time the termination of service is desired. The Meter shall be read by the District and the terminating User will be billed for water used through the date of such reading. Responsibility for payment for water consumed prior to the date of termination shall be with the property owners as well as renter and/or Users.

## **2.10 No Free Service**

No free services of the water system of the District shall be furnished to any person, firm, organization, or corporation, public or private. Every User of the District water system shall have a metered water connection to the system.

## **2.11 Temporary Residential Absences**

Those customers who do not occupy their property for a minimum of three (3) months may, upon proper written application to the District, not be charged for service during their period of absence. Notification must be made to the District Office at least 30 days prior to vacating the property, and the water service will be shut-off for the stated period of absence.

## **WATER REGULATIONS**

### **3.1 Definitions**

District - The word "District", whenever the same appears herein, means Devil's Kitchen Water District.

User - The word "User", whenever the same appears herein, means the person or party applying for and receiving water service from the District.

Main - The word "Main", whenever the same appears herein, means the supply pipe, located in the public highway and/or easement, and owned and maintained by the District, to which Water Service Connections are attached to supply water service to a premises.

Meter - The word "Meter", whenever the same appears herein, means a mechanical device which measures and registers the quantity of water supplied to a User. The Meter shall be installed, owned, maintained and repaired by the District.

Owner – The word “Owner”, whenever the same appears herein, means the person(s) holding legal title to the premises to which the water service is provided. A contract purchaser shall not be deemed the Owner of premises; but may be a User, so long as the Owner has signed such person's application for water service.

Water Service Connection - means a pipe, with appurtenances, used to conduct water from the Meter to the premises to be served. The connection, pipe and all appurtenances required as part of this installation shall be installed and maintained by the User or a licensed plumber, at the User's expense.

### **3.2 Management and Control of Water System**

The District shall have the supervision, management, control, maintenance, enlargement, and operation of the water works system; all matters and things connected with the operation, maintenance, and extension of the water works system, and the selling of water therefrom and preserving the property belonging thereto.

### **3.3 Refusal of Service**

The District may, at any time, refuse additional service(s) to any applicant if, in the judgment of the Board, the capacity of the system will not permit such use or after a public hearing wherein the applicant may present his position to the Board, in the judgment of the Board, such refusal is found to be in the best interest of the Users of the District.

### **3.4 Liability**

All water services supplied by the District shall be upon the express condition that the District shall not be liable nor shall any claim be made against it for damages or injury caused by reason of shutting off of water for repair, relocation, or expansion of any part of the system; failure of any part of the system or supply, including that resulting from fire-fighting; restricted or limited supply of water; or constituents naturally occurring in the water supply.

### **3.5 Use of Water on User's Premises**

The District shall reserve the right to use the water from the User's facilities at any time deemed necessary. Such water usage could include but not be limited to any usage necessary for the repair or maintenance of the District system. No charge shall be made by the User for the use of his facilities and no charge shall be made by the District for the water used by the District.

### **3.6 Specified Uses of Water**

Water purchased from the District may be used for ordinary domestic, commercial, industrial, or farm use upon the premises of the User provided:

#### **A. Resale of Water**

No User shall resell or permit the resale of water purchased from the District; provided that a User may incorporate water purchased from the District into another product, which product is then sold, including, but not limited to water bottled in bottles not exceeding five gallon in capacity.

#### **B. Multiple Residences**

If more than one residence is located upon the premises, then the User shall make application for each residence and a separate cut-off valve, Meter, and service line shall be installed for each residence from the Main.

### **3.7 Damage to District Property and Unlawful Interference with Utility Service**

Unlawful interference with utility services: A person commits the offense of violating this ordinance when he knowingly, without the consent of the District, impairs or interrupts any water supply or diverts, or causes to be diverted in whole or in part, any water supply, or installs or removes any device for the purpose of such diversion or in any way impairs or attempts to alter meters or Meter reading devices. Any person committing such an offense shall pay liquidated damages of \$100.00 to the District. In addition to such damages, the person responsible shall reimburse the District for the cost of repairing damage resulting from such acts. Each day of violation shall be a continuing offense. Users shall report any known evidence of tampering, adjusting, damaging, or interference with operation of the water system to the General Manager or his representative. Any malicious act or damage to the system that is not appropriately punishable by the foregoing shall be prosecuted through a court of law.

### **3.8 Application for Service**

Water shall be furnished only to District Users upon filing of an application and execution of a water Users agreement in the form to be supplied by the District. The contract thus formed between the District and the User shall be deemed a covenant running with the land which shall be binding on subsequent Owners, grantees, assignees, and successors, with the same force and effect as exists between the original parties thereto.

### **3.9 Initial Charges and Permit**

The following procedure shall be followed when a customer, builder, or developer desires to tap-in to a Main water line:

#### **A. Water Service**

1. Prior to service installation, a tap-on application shall be executed on the form provided by the District. The tap-on cost for each customer shall be \$1,200.00 for a tap that does not require a bore and \$1,800.00 for a tap that requires a bore. If rock or other obstructions are encountered, there will be an additional charge to cover the additional cost. A standard tap consist of  $\frac{3}{4}$  inch line and  $\frac{3}{4}$  inch water Meter. If larger is requested, customer pays the difference. There will be a \$500.00 down payment required before work is scheduled.
2. Tap-on shall be accomplished by a District operator or by a plumber licensed by the State of Illinois.
3. Any person violating the above procedure shall pay a \$500.00 penalty and costs of removal of such tap. Service shall not be provided to such person and/or premises, until such penalty and costs have been paid in full and compliance has been had with the foregoing procedure.
4. Security Deposits
  - a. Users who do not own the premises to which water is to be supplied shall provide a \$150.00 deposit, prior to service being turned on, to guarantee payment of water bills. The deposit shall be returned to the User, without interest, upon termination of water service and all accounts of that User being paid. If an account balance remains upon termination of service, the amount of such balance will be off-set from the deposit. If a balance still remains after such off-set, User shall promptly pay such balance.
  - b. In the event that service is disconnected for non-payment of bills or any other violation of District ordinances, rules or regulations, the District may require payment of a security deposit equal to the average of the previous three (3) month's normal water usage in addition to any required re-connection fees before service will be restored. Said deposit shall be returned to the User as described in paragraph a. above.
  - c. Previous renters and homeowners who have left owing a balance (before or after the off-set of deposit) will be required to pay all monies owed to District plus an additional deposit of \$150.00 (\$300.00 total deposit).

### **3.10 Use of Public Water Supply Required**

The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District and abutting any street, alley, or right-of-way in which there is now located a public water Main of the District, is hereby required, at his expense, to connect such premises to such public water Main, in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public water Main is within one hundred (100) feet (30.5 meters) of the property line. At such time as a public water Main is installed within one hundred (100) feet of a property served by a private water system, a direct connection shall be made to the public water Main, in compliance with this Ordinance. Any wells or other private sources of water supply shall be disconnected from domestic use within the residence or business. On-site wells may be retained for purposes other than domestic use, such as lawn or garden sprinklers; pools; or livestock watering. If abandonment is necessary due to non-use (*for purposes of this Ordinance, non-use is defined as no use for a period of 1 year or more*), such abandoned well shall be inspected and approved by the appropriate state or local officials, at the Owner's expense. In its discretion, the District may allow a property Owner to delay connection or to disconnect from the District's Main, upon a showing of hardship by the Owner in a written request that specifies the nature and the extent of the hardship.

### **3.11 District's Responsibility and Liability**

Ownership, Installation, and Maintenance: The District shall install, own, inspect, operate, and maintain the complete water system, including water Mains, service lines from the Mains to the meters, water meters, and shut-off valves at the Meter; but excluding the Water Service Connection lines from the meter to the User's premises. The District does not guarantee uninterrupted service and is not responsible for failures in service due to Main breaks or leaks, or source of supply limitations.

The District may at any time refuse additional service(s) to any applicant if, in the judgment of the Board, the capacity of the system will not permit such use or the service is not economically feasible.

The District reserves the right to require repair service to the User's Water Service Connection or plumbing equipment on a timely basis; the cost of said repairs shall be borne by the User. All such repairs shall be subject to final inspection by District personnel upon completion.

### **3.12 User Responsibility**

The User shall be responsible for installation and maintenance of the service line between the District's water meter and the residence or business. Such service must be at least 3/4" in diameter, and must be installed at a minimum depth of 3 feet. Service lines must have a minimum working pressure rating of 200 psi at 73.4 degrees F and must be constructed of the following type of material: SDR - 9, Copper Tube Size polyethylene water pipe (ASTM D2737). The District reserves the right to require an increased water service line size or improvements to the existing service line in order to adequately service proposed water usage systems within residential or business properties. Examples include but are not limited to homes with:

- a. more than 4 bedrooms;
- b. more than 3 Bathrooms;
- c. a fire suppression system; or
- d. an outside irrigation system.

Lines larger than two inches shall be PVC, SDR – 21 (ASTM D2241) conforming to water main specifications as described in Section 5.2 of this Ordinance. Service lines must not be covered until they are inspected and approved by a duly authorized District 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 all requirements of the State Environmental Protection Agency and the State of Illinois Plumbing Code.

Horizontal and Vertical separation for water and sewer service lines shall meet the following requirements:

- a. Water service lines shall be located at least ten feet horizontally from any existing or proposed drain, storm sewer, sanitary sewer, or sewer service line. Placement of water service lines and sanitary sewer service lines within the same trench is not permitted.
- b. If conditions prevent a lateral separation of ten feet, a vertical separation of at least eighteen inches between the water Main invert and the crown of the sanitary sewer service (sewer must be below water lines), may be installed in accordance with 35 Ill.Admin.Code 653.119(a)(1)(B), with the sewer to be constructed of water main quality materials, i.e. , slip-on or mechanical joint, cast or ductile iron pipe, or PVC pipe equivalent to water main standards of construction may be used, if permitted by 35 Ill.Admin.Code 653.119(a)(i)(C).
- c. If neither of the foregoing separations is possible, the Main shall be installed in accordance with 35 Ill.Admin.Code 653.119 (a)(2). The protection of water Main and water service from sanitary sewers, storm sewers, combined sewers, house sewer service connections and drains shall, also, meet the conditions set forth in Section 41 - 2.01 of the Standard Specifications for Water and Sewer Construction in Illinois.

The location of the Meter and such other control devices as may be required for said installation shall be determined by General Manager. The User will provide, at the User's expense, a clean, dry, safe place, not subject to a great variation in temperature so that the Meter will be properly protected from freezing and other hazards, so located as to control the entire supply and as to be easily accessible for installation, maintenance, reading, and disconnection.

Water service may not be turned on to the User's premises until a final inspection of the installation is completed and the water Meter and remote reader is properly installed and sealed. The User shall give such easements and rights-of-way to the District as are necessary for the purposes of construction, repair, maintenance, Meter reading, relocation, or expansion of the water system. The necessity shall be determined by the Board.

### **3.13 Water for Special Uses (Lawn Sprinkling)**

Whenever a User wishes to install a separate water Meter to record consumption of water for lawn sprinkling, or related outside usage, the User shall make application to the District as per the requirements for a new service. Water used for outside purposes only shall be billed as water consumption only. This second Meter will be billed for water used only. No minimum charge for zero usage (during winter months). The Meter shall be installed by the District at the Owner's expense. Meter requirements shall be the same as in Section 3.12. The Meter may be shut-off during the winter months, at the District's election.

### **3.14 Cross-Connection Control Requirements**

If, in accordance with the Illinois Plumbing Code, in the judgment of the General Manager, an approved back-flow prevention device is necessary as a result of the activities conducted on the User's premises, for the safety of the public water supply system, the General Manager will give notice to the water customer to have such an approved device installed immediately, by a licensed plumber. The User shall, at his own expense, have such an approved device installed 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 the approved devices as required by the Illinois Plumbing Code and local regulations. Notwithstanding the foregoing, it is the responsibility of the User to install back-flow devices as required by law, whether or not the General Manager has so directed.

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 District may enter the supply or distribution system of the District, unless that private, auxiliary, or emergency water supply and the method of connection and use of the supply shall have been approved by the General Manager and the Illinois Environmental Protection Agency.

It shall be the duty of the General Manager to cause surveys and investigations to be made of industrial and other properties served by the District to determine whether actual or potential hazard to the public water supply may exist. These 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 General Manager shall deem necessary. Records of the surveys shall be maintained and available for review for a period of at least five years.

An approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the District for the purpose of verifying the presence or absence of cross-connections. The General Manager or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the District 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 General Manager any information which he may request regarding the piping system or systems, water use, and/or potentially hazardous activities on the property.

The refusal of such information, when demanded, shall, within the discretion of the General Manager, be deemed evidence of the presence of improper connections as provided in this section.

The General Manager is 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 section is known (or deemed by the preceding paragraph) to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the District's water supply. Water service to that property shall not be restored until those conditions have been eliminated or corrected in compliance with the provisions of this section.

If contamination of the potable water supply occurs through an illegal cross-connection or an improperly installed, maintained, or repaired device, or a device which has been by-passed, the User responsible for the back-siphoned material or contamination through back-flow shall bear the cost of clean-up of the District's water supply system.

### **3.15 Water Use Restrictions**

#### **A. Special Situations**

The General Manager may, after receiving the approval of the Board, place restrictions on water usage by the customers of the District in any of the following situations in which it appears that usage of water could be greater than the ability of the system to provide such water or there would be a situation which would adversely affect the health or safety of the customers:

1. The water storage tower is not in use because of necessary repairs or is being painted.
2. Any source water production is out of service for repair or other reason.
3. For whatever the reason, the water system is unable to maintain a pressure of 20 pounds per square inch in the system.
4. In the event of a major water Main break or breaks or other system malfunctions which would affect the ability of the system to deliver water in compliance with state and/or federal regulations.
5. In the event of a major natural or manmade disaster which would affect the ability of the system to deliver water in compliance with state and/or federal regulations.

#### **B. Restriction Levels**

In the event any one or more of the above conditions exists, the General Manager of the District with the approval of the Board may impose restrictions on the use of water within the District. Depending on the severity of the situation, weather conditions and anticipated length of time that such condition may continue to exist, the General Manager may adopt the restrictions of any of the following levels and may change the restriction level to a higher or lower level as conditions change.

**Level 1:** Water shall not be used from the water system for the watering of yards, gardens, shrubs, trees or/and other open spaces. Water from the system shall not be used for the initial filling of swimming pools or for the washing of houses or other buildings or for the washing of automobiles, trucks, motor homes and recreational vehicles or any other vehicles by private individuals not at a commercial car washing establishment.

**Level 2:** In addition to the restrictions in Level 1, water shall not be used for replacing water in previously filled swimming pools and commercial car wash operations shall cease.

**Level 3:** In addition to the restrictions in Level 1 and Level 2, the General Manager shall have the authority to establish hours of water usage and the rationing of the amount of water used. Such hours and the level of rationing may be varied according to the type of water usage and the amount of water necessary for such usage.

**Level 4:** In addition to the restrictions in Levels 1, 2, and 3 above, water may be used only for human consumption and hygiene, and consumption by household pets, and all other uses of water shall cease.

### **C. Restriction Violations**

In the event that any person, partnership, association, corporation, business or any other entity shall violate any of the restrictions in paragraph B above, which are in effect at any time, such violator shall be given a verbal warning to cease the specific violation and be informed of the restrictions then in effect. After such warning has been given, if the violation of any restrictions then in effect continues, such violation shall be subject to a fine of \$100.00. Such fine shall continue to be levied at the rate of \$100.00 per day until such time as the violation ceases or the restriction is lifted, whichever is earlier. In the case of severe or chronic and or continuing violations, the General Manager shall have the authority to terminate the water service of the violator.

If the fines levied as a result of a violation of this section are not paid within 30 days of notification of said fine, the fine will be added to the regular monthly water bill of the customer and will be subject to the regular collection procedures outlined in Section 2 of this ordinance.

## **EXTENSION OF WATER MAINS**

### **4.1 Requirements for Extension**

The District must approve all plans and specifications for any extensions. Before any extensions are installed, the plans and specifications must be reviewed and approved by, and a permit obtained from the State Environmental Protection Agency, and any other agencies having jurisdiction thereof. Ownership, rights-of-way, and title must be conveyed to the District for all extensions installed. The District will maintain the Mains thereafter.

No extension will be permitted if, in the opinion of the Board, the system does not have the necessary capacity to serve the proposed extension. The total cost of all water Main extensions, shall be borne by the person(s) requesting the extension, unless it is determined by the Board that

it is to the benefit of the District as a whole to participate in some manner in the construction of the extension.

The review and approval of the District will pertain only to the matters of water Main extensions that will be dedicated to the District upon approval and acceptance.

## **4.2 Plan Approval Procedures**

### **A. Informal Discussion Phase**

The party requesting extension is responsible for initiating discussions with the District before preparing complete plans.

The purpose of the informal discussion phase, prior to application, is to guide and assist the person requesting the extension, insofar as possible, in decisions regarding water Main planning, with a view to avoiding later difficulties and delays. During this stage, the person requesting the extension informally meets with the General Manager and the District's Engineer.

In the course of this meeting, the person considering the extension should make known to the General Manager his tentative plans for subdividing and/or development; may exhibit sketch plans; and shall be appraised of specific District policies and objectives that the District may have for the area in question. Discussion at this phase shall involve the entire area of ownership and anticipated development to be serviced by the District. Following this phase, the person requiring extension shall prepare preliminary plans of the proposed extension, to be submitted for review by the Board.

### **B. Preliminary Plan Phase**

The purpose of the preliminary plan phase, insofar as possible, is to assist the person requesting the extension and the District in determining whether the proposed extension conforms to the standards and requirements of this Ordinance.

The Board shall either:

1. Deny approval of the preliminary plans, stating the reason therefor.
2. Approve the preliminary plans.
3. Approve the preliminary plans, subject to minor corrections or additions.
4. Continue the meeting to another date.

### **C. Final Plans**

Final plans and permit documents for water Main extensions shall be submitted to the Board for approval. The plans shall be prepared by a registered Professional Engineer of Illinois. (The District's Engineer may, but is not required to, be engaged by the developer or person requesting the extension, for this purpose.) The plans shall be signed by the Chairman of the Board stating

approval of the plans and specifications. In the case of new subdivisions, this approval can be either before or after submission and approval by the authority having jurisdiction over the land use or subdivision of the land. Three (3) sets of approved plans and specifications shall be delivered to the District prior to starting any construction operations. Any deviation from the District's standards must be submitted in writing. The deviation must be approved by the Board in writing.

#### **D. Construction Performance Bond**

Except as shall be provided for by prior agreements with other regulatory agencies, the person requesting the extension must furnish, as a condition of approval of the final plans, a Construction Performance Bond in an amount equal to 125% of the estimated costs of the improvements which are to be dedicated to the District.

The Construction Performance Bond shall be in the form of a cash deposit, performance bond, bank letter of credit, or other surety acceptable to the Board.

#### **4.3 Deviations from Standards**

In the event it is deemed desirable to deviate from the foregoing procedures, the developer or User must submit, in writing, a request to the Board stating the degree of deviation and the reasons why such deviation is necessary or desirable. The deviation must be approved in writing. The decision whether to grant any such waiver is solely at the discretion of the Board.

#### **4.4 Construction Inspection**

All materials and each part or detail of the work is subject to approval and inspection at all times by the District. The sub-divider or person requesting the extension shall provide engineering inspection during construction operations.

The Engineer representing the sub-divider or person requesting the extension shall certify that the work was constructed in substantial *compliance* with the plans and specifications as approved by the District.

#### **4.5 Acceptance of District Extensions**

When construction of the District extensions is completed, the Engineer for the developer shall make a written request to the District to accept the work and release the Construction Performance Bond.

Within 20 days, the District Engineer will make an inspection of the work. The District Engineer shall list any improvements that do not meet the plans and specifications as approved by the District.

All work shall first meet the approval of the District Engineer before the Board will authorize acceptance of the extension and release all or part of the Construction Performance Bond.

The Board shall issue the authority for use of the water extension.

#### **4.6 As-Built Plans**

After completion of the project and prior to acceptance by the District, the applicant's Engineer shall furnish the District Engineer three (3) complete sets of signed "As Built" plans with each sheet clearly marked "as built" in the lower right hand corner. In addition, two (2) sets of 1/2 size copies of the above "As Built" plans of the water distribution shall be furnished. All plans shall indicate the final location of all improvements. Included shall be measurements sufficient in detail to locate points of future service connections. The location of all curb boxes shall be indicated on the "As-Built" plans, by measurement from permanent fixtures.

#### **4.7 Maintenance Bond**

Unless responsibility for maintenance is accepted by prior agreement with another public authority or regulatory agency, the developer or person requesting the extension must furnish, as a condition of acceptance of the improvements by the District, a maintenance bond, cash deposit, or other surety acceptable to the Board in an amount equal to 50% of the estimated construction cost of the improvements being offered to the District.

A condition of the maintenance bond shall be that the principal shall guarantee maintenance of the Main extension for a period of one year from the release of the Construction Performance Bond. The Board shall release the Maintenance Bond upon satisfaction of the conditions of the Board and upon written approval of the District Engineer.

### **CONSTRUCTION REQUIREMENTS FOR WATER DISTRIBUTION SYSTEM**

#### **5.1 Design Criteria**

All design criteria shall conform to the current "Standard Specifications for Water and Sewer Main Construction in Illinois" as published by the Illinois Society of Professional Engineers ("ISPE"), except for the following items:

##### **A. Water Main Sizes**

Water Main sizes shall depend upon factors such as the demand requirements, the pressure requirements in the distribution system, and plans for the expansion of the District. All Mains located within the distribution system shall be a minimum of four (4) inches in diameter.

##### **B. Water Main Layout**

The layout of the water Mains shall be as to serve adequately all lots and tracts with connection to the District. To the extent the District's engineer finds reasonably practicable, the Mains shall be looped and valved to permit shutting off of service to only a small number of connections for repairs or maintenance. Preferably, disruption of service should be limited to one block. The design and construction shall include the placement of tees, crosses, etc. where future development indicates looping will be required.

### **C. Mains Not Looped or Dead Ends**

If the District Engineer recommends allowing *the construction of water Mains which are not looped or dead ends*, the water Mains shall be equipped with a flush hydrant as specified in sub-section D-F and sub-section 5.2 C below.

### **D. Flush Hydrants**

All flush hydrants shall be equipped with a properly restrained auxiliary valve and valve box located between the Main and the hydrant to allow for the removal and/or replacement of said hydrant without disruption of adjacent water service.

### **E. Hydrant Leads**

All hydrant leads shall be a minimum four (4) inch diameter.

### **F. Hydrant Specifications**

All hydrants on a four-inch Main shall be a two-way hydrant with a four and one-half inch (4 ½") barrel. All hydrants on a six-inch or larger Main shall be a three-way hydrant with a five and one-quarter inch (5 ¼") barrel. The 4-1/2" connection shall face the street and shall be uniform in site configuration. Threads shall match those presently in use for the local Fire Department.

### **G. Joint Restraint System Requirement**

All plugs, caps, tees, bends, and fittings deflecting 22-1/2 degrees or more on Mains shall be provided with approved mechanical joint restraint *system* sufficient to allow normal operation without displacement. *The restraint system used must include adequate line restraints on the water Main to prevent displacement of the water Main line after construction or during repairs.*

Mechanical joint restraint shall be incorporated in the design of the follower gland and shall include a restraining mechanism which when actuated, imparts a wedging action against the pipe, increasing the resistance as the pressure increases. Flexibility of the joint shall be maintained after burial. All mechanical joint restraint devices shall have a working pressure of at least 250 psi with a minimum safety factor of 2: 1. All mechanical joint restraint devices shall be approved by the District Engineer prior to installation and shall be inspected by the District Engineer prior to burial.

### **H. Tracer Wire**

All PVC water Mains shall be buried with a solid copper tracer wire, blue jacket, 12 gauge, THHW, capable of indicating the exact location of said water Main using conventional locating equipment designed for use with this type of installation. The installation of tracer wire shall provide for easy access by location personnel but not inhibit the use of any valve, hydrant, or other termination point. *The tracer wire shall be taped to or laid along the side or on top of the water Main and not be wrapped around the Main.* Tracer wire access shall be provided at not greater than 1,200 lineal foot intervals.

## **I. Valve Location**

Valves shall be uniformly located in some standard area such as street or curb line to facilitate their location. A valve box, with its cover at the finished grade, shall always be placed over a buried valve. All valve boxes shall be equipped with an approved centering device capable of preventing the box from being dislocated during burial.

Valves should be located on all branches from feeder Mains and between distributors and fire hydrants. Three valves should be used at crosses and two valves at tees; the valves should be placed on the smaller lines at each cross or tee. On arterial Mains and minor distributors, valves should be placed at least every 600 feet.

## **J. Service Connections**

All service connections shall be supplied with corporation stops to each lot. The service pipe shall conform to the District Ordinances. (See Section 3.12). Water service lines should be installed to the approximate property line and shall terminate in a curb stop valve, including box, stem and cover.

## **K. Main and Service Covers**

Minimum cover for Mains and services shall be 36 inches.

## **L. Permits**

All permits required must be obtained by the developer, (e.g. Illinois Environmental Protection Agency Permit and/or Illinois Department of Transportation Permits).

## **M. Written Approval**

Written approval will be required from the appropriate authority where work will take place within an existing township, county or State of Illinois road right-of-way.

## **5.2 Materials**

### **A. Material Type**

All water Main pipe shall be polyvinyl chloride (PVC) conforming to the requirements of AWWA C-900, ASTM D2241 SDR - 21, with a minimum sustaining working pressure of 200 P.S.I. and NSF 14.

An exception to the use of the above material will be required where water Mains are constructed under a stream or river crossings. In the case of stream or river crossings the use of HDPE water main piping, fusion welded, may be required, where there is a danger of translocation of the water Main by movement of water, ice or debris in the water course or by movement of the overlaying material due to erosion or other factors. All such installations will require a burial depth of at least 3.5 feet below the stream bed; be sleeved; and have a shut-off valve at each end

of the crossing. Decisions regarding the use of substitute material or construction methods will be at the discretion of the General Manager, after consultation with the District engineer.

Ductile iron pipe shall conform to AWWA C-150, tar coated with rubber gasket, push-on joints. All fittings used on ductile iron pipe shall be installed as per Section 5.1 G, above. The use of ductile iron pipe and the location of such use shall be approved by the General Manager prior to installation.

### **B. Fittings and Joints**

All fittings shall conform to AWWA C-110 or AWWA C-153. All joints for ductile iron pipe shall conform to AWWA C-111.

### **C. Hydrants**

Hydrants shall be dry-barrel type designed for 150 pounds per square inch working pressure conforming to AWWA C 502 with valve opening at least 5 inches in diameter. Outlets shall have American National fire-hose coupling threads. All working parts shall be bronze. Hydrants shall be latest stock pattern produced by manufacturer. Hydrants shall open counterclockwise. Hydrants shall be as follows:

1. Kennedy (Guardian)
2. Clow (2500)
3. Mueller (Modern Centurion)

### **D. Service Pipes**

All Water Service Connection pipes shall be not less than 3/4" SDR - 9 Copper Tube Size Polyethylene water pipe conforming to ASTM D2737. Lines larger than two inches shall be PVC, ASTM D2241, and NSF 14 conforming to water main specifications as described in Section 3.12 of this Ordinance.

### **E. Stops and Saddles**

All corporation stops, tapping saddles, and curb stops shall be fabricated of brass and shall be provided with outlets suitable for copper tube size polyethylene pipe, compression type connections. Curb stops shall be of the "roundway" type. All fittings used on water service lines shall be brass, suitable for use with copper tube size polyethylene pipe and be of the compression type. Neither "barbed" fittings nor fittings which require the use of hose clamps will be permitted.

### **F. Valves**

Valves shall be iron body, brass-mounted, non-rising stem, and resilient seat, for working pressure of not less than 200 pounds per square inch and shall conform to AWWA C 509.

Valves shall have properly restrained mechanical joint ends, shall have a clear water-way equal to the full nominal diameter, and shall be opened by turning counter-clockwise.

Valve boxes shall be cast-iron, extension type with flared base and cast-iron cover. Minimum thickness of metal shall be 3/16 inch. Minimum inside diameter of shaft shall be 5-1/4 inches. Boxes shall be installed over outside gate valves and be of length that can be adapted, without full extension, to depth of cover required. The word "WATER" shall be cast in the cover. All valve boxes shall be equipped with an approved centering device capable of preventing the box from being dislocated during burial.

**5.3 Construction Standards**

Trench back-fill is required whenever the trench is within two feet of a paved surface. All construction pressure tests and leakage tests shall conform to the current "Standard Specifications for Water and Sewer Main Construction in Illinois", latest edition as published by ISPE. The District Engineer and the General Manager shall be notified at least twenty-four (24) hours prior to testing of the water system, and the District Engineer shall be present at the time of testing. The certifying engineer, for the developer/applicant, shall also be present at the time of testing.

The District shall take the sterilization samples after the system has passed the pressure and leakage tests.

**SEVERABILITY-PUBLICATION-EFFECTIVE DATE**

**6.1 Severability**

If any provision(s) of this Ordinance shall be held to be unconstitutional, or invalid for other reasons, such unconstitutionality or invalidity shall not affect the validity of the remaining provisions of this Ordinance.

**6.2 Publication**

This Ordinance shall be published in accordance with the provisions of 70 ILCS/3705/0.01, the Public Water District Act (formerly Chapter 111 2/3 in Public Utilities Illinois Revised Statutes, Section 188).

**6.3 Effective Date**

This Ordinance shall be effective after its passage and approval as provided by law. The effective date of this Ordinance is \_\_\_\_\_, 2012.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012

DEVIL’S KITCHEN WATER DISTRICT

By: \_\_\_\_\_  
Evan Buffington  
Chairman, Board of Trustees

ATTEST:  
  
By: \_\_\_\_\_  
Charles Lennox  
Secretary

All designations and headings of chapters, articles, divisions, and sections are intended only for convenience in arrangement and as mere "catch words" to indicate the contents of such chapters, articles, divisions or section, whether printed in boldface type or italics. They shall not be deemed or taken to be any part or title of such chapters, articles, divisions or sections; nor unless expressly so provided, shall they be so deemed upon amendment or re-enactment, or shall they be construed to govern, limit, modify, alter or in any other manner affect the scope, meaning or intent of any of the provisions of this Ordinance.