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**VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 1161

**AN ORDINANCE ADDING A NEW CHAPTER 13.12, SEWER
SYSTEM, TO THE VILLAGE OF MELROSE PARK MUNICIPAL
CODE, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF
COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK**

THIS 10TH DAY OF MARCH 2008

**RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

Board Of Trustees

**JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
ARTURO J. MOTA
ANTHONY J. PRIGNANO
MARY RAMIREZ TACONI
JAIME ANGUIANO**

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**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 11TH day of MARCH 2008**

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AN ORDINANCE ADDING A NEW CHAPTER 13.12, SEWER SYSTEM, TO THE VILLAGE OF MELROSE PARK MUNICIPAL CODE, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

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WHEREAS, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing village created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

WHEREAS, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005, and the Board of Trustees of the Village (the “Village Board”), the Honorable John S. Conteduca, Cathleen Cossident Italia, Arturo J. Mota, Anthony J. Prignano, and Mary Ramirez Taconi, having taken office on May 14, 2007, and the Honorable Jaime Anguiano, having taken office on March 10, 2008, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, the Village Board deems it advisable and necessary for the benefit of the Village and the health, safety, and welfare of its residents to amend the Village of Melrose Park Municipal Code (the “Village Code”) by adding a new Chapter 13.12, entitled “Sewer System,” to Title 13, PUBLIC SERVICES, in order to comply with state law and to reflect current industry practices; and

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Village Board does hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to amend the Village Code by adding a new Chapter 13.12, entitled "Sewer System," to Title 13, PUBLIC SERVICES.

Section 03. Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Sections 05-09 Reserved.

**ARTICLE II.
ADDITION OF NEW CHAPTER 13.12, SEWER SYSTEM.**

Section 10.00 Addition of New Chapter 13.12, Sewer System.

That Chapter 13.12 of the Village Code is hereby added, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by inserting the following language:

Chapter 13.12

SEWER SYSTEM

Sections:

- 13.12.010 Purpose.
- 13.12.020 Definitions.
- 13.12.030 Use of Public Sewers required.
- 13.12.040 Protection of sewage system from damage.
- 13.12.050 Powers and authority of inspectors.
- 13.12.060 Permit required.
- 13.12.070 Unlawful disposal into Sewer System.
- 13.12.080 Application for permit; supplementary information.
- 13.12.090 Conditions under which Building Sewer permits and Sewer connections may be withheld.
- 13.12.100 Liability for costs.
- 13.12.110 Separate Sewer required; exception.
- 13.12.120 Use of old Sewer prohibited.
- 13.12.130 Specifications.
- 13.12.140 Certain discharges prohibited.
- 13.12.150 Connection requirements; approval.
- 13.12.160 Inspection.
- 13.12.170 Excavations; protection of public.
- 13.12.180 Disconnection of sump pumps.
- 13.12.190 Disconnection of downspouts from Sanitary sewage system.
- 13.12.200 Discharges and maintenance of private Sewer Systems.
- 13.12.210 New construction in Combined Sewer areas.
- 13.12.220 Inflow sources on Combined Sewer System.
- 13.12.230 New Sewer connection separations.
- 13.12.240 Generally.
- 13.12.250 Stormwater; unpolluted drainage.
- 13.12.260 Prohibited discharges enumerated.
- 13.12.270 Restricted discharges.
- 13.12.280 Options of Village Engineer upon discovery of unsuitable discharges.
- 13.12.290 Interceptors.
- 13.12.300 Preliminary treatment facilities.
- 13.12.310 Control Manhole.
- 13.12.320 Laboratory analyses required.
- 13.12.330 Sampling procedures.
- 13.12.340 Special arrangement or agreement between Village and industrial concern.
- 13.12.350 Basis for charges.
- 13.12.360 Charges established.
- 13.12.370 Billing.
- 13.12.380 Discontinuing service for nonpayment.
- 13.12.390 Access to records.
- 13.12.400 Audit.
- 13.12.410 Notification
- 13.12.420 Appeals.
- 13.12.430 Penalty.
- 13.12.010 Purpose.

The purpose of this chapter is to establish the charges and regulations for the provision of sewer service within the Village.

13.12.020 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires a different meaning:

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

“BOD” (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in Milligrams Per Liter.

"Building Drain" means that part of the lowest-piping of a building's drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the Building Sewer or other approved point of discharge, beginning five feet outside the inner face of the building wall.

"Building Sewer" means the extension from the Building Drain to the Public Sewer, up to and including the connection point with the Public Sewer.

"Combined Sewer" means a Sewer designed and intended to receive sanitary waste, Sewage, stormwater, surface and ground water drainage.

"Control Manhole" means a structure located on a site from which Industrial Wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a Control Manhole is to provide access for a MWRD representative to sample and/or measure discharges.

"Director" means the Director of the IEPA.

"Easement" means an acquired legal right to access land owned by others.

"Effluent Criteria" are as defined in the current NPDES General Permit issued to the Village of Melrose Park by the Illinois Environmental Protection Agency.

"Federal Act" means the federal Clean Water Act, 33 USC §§ 1251 *et seq.*, (Pub. L. 95-217), as amended.

"Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of food.

"Industrial Waste" means any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the

development, recovery or processing of any natural resource and distinct from sanitary sewage.

"IEPA" means the Illinois Environmental Protection Agency.

"May" or "may" means permissible.

"Milligrams Per Liter" means a unit of the concentration of water or Sewage constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and Sewage analysis.

"MWRD" means the Metropolitan Water Reclamation District of Greater Chicago.

"Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"NPDES Permit" means a National Pollution Discharge Elimination System (NPDES) permit as provided in 33 USC § 1342, or any permit or equivalent document or requirements issued by the Administrator, or the Director to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

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

"Pretreatment" means treatment of Sewage from sources before introduction into the Sewage collection system.

"Properly Shredded" means wastes from the preparation, cooking and dispensing of food have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half inch (1/2") in any dimension.

“Public Sewer” means a Sewer provided by or subject to the jurisdiction of the Village. It shall also include Sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village Sanitary or Combined Sewer System, even though those Sewers may not have been constructed with Village funds.

“Replacement” means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the Useful Life of the Sewage Treatment Works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes Replacement.

“Residential User” means all dwelling units, such as houses, mobile homes, apartments and permanent multifamily dwellings.

“Sanitary Sewer” means a Sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and ground water are not intentionally admitted.

“Sewage” means the spent water of a community, which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and storm water that may be present.

“Sewage Facilities” means the structures, equipment and processes required to collect, carry away and treat domestic and Industrial Wastes and transport effluent to a watercourse.

“Sewage Service Charge” means the charge per quarter or month levied on all users of the Sewage facilities. The service charge shall be computed as outlined in §§ 13.12.250 *et seq.* of this chapter and shall consist of the total of the basic user charge, the Local Capital Cost Charge and a Surcharge, if applicable.

“Sewage Treatment Works” means an arrangement of devices and structures for treating Sewage, Industrial Wastes and Sludge. Sometimes synonymous with “sewage treatment plant.”

“Sewer” means a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and ground water drainage.

“Sewer System” means the system of Sewers and appurtenances for the collection, transportation and pumping of Sewage.

“Shall” or “shall” means mandatory.

“Sludge” means any discharge of water, sewage or Industrial Waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.

“Storm Sewer” means a Sewer that carries storm, surface and ground water drainage but excludes sanitary sewage and Industrial Wastes other than unpolluted cooling water.

“Surcharge” means the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in §§ 13.12.260 and 13.12.270 of this chapter.

“Suspended Solids” means solids that either float on the surface of, or are in suspension in, water, Sewage or Industrial Waste and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the IEPA Division of Laboratories Manual of Laboratory Methods.

“Unpolluted” means water quality equal to or better than the Effluent Criteria in effect or water that would not cause violation of receiving water quality standards and would not be

benefited by discharge to the Sanitary Sewers and Sewage treatment facilities provided.

“Useful Life” means the estimated period during which the collection system and/or Sewage Treatment Works will be operated.

“Village” means the Village of Melrose Park.

“Water Quality Standards” means the standards as defined in the Water Pollution Regulations of Illinois.

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

13.12.030 Use of Public Sewers required.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, Garbage or other objectionable waste.

(B) It shall be unlawful to discharge to any Natural Outlet within the Village, or in any area under the jurisdiction of the Village, any Sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of Sewage.

(D) The owner of any houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located any Public Sewer or Combined Sewer of the Village, is required at his or her expense to install

suitable Sewage facilities therein and to connect the facilities directly with the proper Public Sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so.

13.12.040 Protection of sewage system from damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is part of the Sewer System. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

13.12.050 Powers and authority of inspectors.

(A) The Plumbing Inspector and other duly authorized employees of the Village, the MWRD, the IEPA and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Plumbing Inspector or his or her representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing of the kind and source of discharge to the Sewers or waterway or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in §13.12.050(A), the Plumbing Inspector or duly authorized employees of the Village, the MWRD, the IEPA and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company.

(C) The Plumbing Inspector and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties

through which the Village holds a duly negotiated Easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the Sewage Facilities, Sewage Treatment Works, Sewer System, Storm Sewer, or Public Sewer lying within the Easement. All entry and subsequent work, if any, on the Easement shall be done in full accordance with the terms of the duly negotiated Easement pertaining to the private property involved.

13.12.060 Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Plumbing Inspector.

13.12.070 Unlawful disposal into Sewer System.

All disposal by any person into the Sewer System is unlawful except those discharges in compliance with federal standards promulgated pursuant to the Federal Act and more stringent state and local standards.

13.12.080 Application for permit; supplementary information.

Building Sewer permits shall be applied for and granted pursuant to the Village building and plumbing codes. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Building and Plumbing Inspector. A permit and inspection fee as required by the building and plumbing codes for a residential or commercial Building Sewer permit shall be paid to the Village at the time the application is filed. Industries, as a condition of permit authorization, must provide information describing their Sewage constituents, characteristics and type of activity.

13.12.090 Conditions under which Building Sewer permits and

Sewer connections may be withheld.

A Building Sewer permit may be withheld and a Sewer connection may be withheld if it can be demonstrated that the downstream Sewage Facilities, including Sewer, pump station and Sewage Treatment Works, have insufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

13.12.100 Liability for costs.

All costs and expenses incident to the installation, connection and ongoing maintenance of the Building Sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

13.12.110 Separate Sewer required; exception.

A separate and independent Building Sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private Sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer. 77 Ill. Adm. Cd. 890.170(b) of the Illinois Plumbing Code shall apply to townhouse, rowhouse and condominium developments.

13.12.120 Use of old Sewer prohibited.

Following demolition of an existing structure, a new Building Sewer service line shall be installed and the old service line shall be disconnected (plugged) at the property line or at the Public Sewer main. Tees or wyes may be plugged. Break-in connections will require a repair of the Public Sewer.

13.12.130 Specifications.

The size, slope, alignment, materials of construction of a Building Sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code and the adopted "Manual of Procedures" as published by the MWRD.

13.12.140 Certain discharges prohibited.

No person shall make connection of roof down spouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to a public Sanitary Sewer. This section does not apply to connections to a Combined Sewer.

13.12.150 Connection requirements; approval.

The connection of the Building Sewer into the Public Sewer shall conform to the requirements of the building and plumbing code, the MWRD Sewage and Waste Control Ordinance and its amendments, the MWRD Manual of Procedures for the Administration of the Sewer Permit Ordinance, other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications of the American Society for Testing and Materials, the Water Pollution Control Federation Manual of Practice No. 9, as published by the MWRD, and the Standard Specifications for Water and Sewer Main Construction in Illinois. All connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector before installation.

13.12.160 Inspection.

The applicant for a Building Sewer permit shall notify the Plumbing Inspector when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection

shall be made under the supervision of the Plumbing Inspector or his or her representative.

13.12.170 Excavations; protection of public.

All excavations for Building Sewer installation and maintenance shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

13.12.180 Disconnection of sump pumps.

(A) Upon the sale, assignment, conveyance or transfer of any right, title or interest in real property located within a separate Sewer area of the Village, the owner of such real property shall disconnect from the Sanitary Sewers any and all sump pumps on that real property that discharge storm water into the Sanitary Sewers.

(B) The Village will conduct periodic inspections to determine whether persons living in separate Sewer areas are complying with this section.

(C) A copy of this section shall be sent by certified mail to the person or persons residing at each address located in the separate Sewer area. Refusal to accept delivery of such certified mail will not relieve the owner of responsibility to comply with the provisions of this section.

(D) Any person, firm, partnership or corporation violating any provision of this section shall be fined not less than Twenty-Five and No/100 Dollars (\$25.00) nor more than Five Hundred and No/100 Dollars (\$500.00) for each offense. Each day during which such violation shall continue shall constitute a separate offense.

13.12.190 Disconnection of downspouts from Sanitary sewage system.

(A) *New gutters and downspouts:* The installation of gutter and downspout systems on

all new structures, and the Replacement of gutter and downspout systems on all existing structures shall be designed and constructed to drain onto or into the ground and shall not drain into a Sanitary Sewer.

(B) *Existing structures:* Effective upon sale of property within the Village, any gutter and downspout system connected to a Sanitary Sewer shall be disconnected at ground level or at the nearest pipe joint to ground level, reconfigured to drain onto or into the ground and not drain into the Sanitary Sewer, and sealed with cement to provide a permanent disconnection from the Sanitary Sewer.

(C) *Direction of drainage flow:* All new or reconfigured gutter and downspout systems shall be designed and constructed to drain directly into the front yard, rear yard or side yard of the structure being served. The drainage from the gutter and downspout system shall not be directed onto any adjoining property.

(D) *Exemptions:* Exemptions to this section may be granted by the Plumbing Inspector, or a designee, who will consult with the Village Engineer concerning the exemption request. If, following written request, it is determined that compliance with this section will create a substantial hardship, an exemption may granted. For purposes of this section, a substantial hardship shall exist when one or more of the following shall apply, and no practical alternative design solutions exist for the disconnection:

(1) Compliance will result in storm water damage to the structure served by the gutter and downspout system, or an adjoining structure or adjoining property. If an exemption request is made upon this basis, documentation from a licensed plumber or civil engineer shall accompany the request to identify the specific damage or hazards that may result.

(2) The design of the existing gutter and downspout system makes compliance impractical due to physical or natural

obstructions that would make compliance impossible to achieve.

(E) *Appeals:*

(1) Any person appealing a decision of the Plumbing Inspector shall make the appeal by written notice filed in the Office of the Village Mayor within thirty (30) days from the date of the decision being appealed.

(2) The Building Inspector shall request that the Village Board of Appeals or the Village corporate authorities (consisting of the Village President and Village Board of Trustees) call a hearing on said appeal within thirty (30) days of said notice of appeal filing. The Village Board of Appeals or the Village corporate authorities shall render a decision within ten (10) days after completing such hearing.

(F) *Inspections.* Property owners shall provide property access to Village personnel for purposes of inspecting compliance with this section, to determine the validity of any request for an exemption to these standards or as related to any matter pertaining to an appeal.

13.12.200 Discharges and maintenance of private Sewer System.

Owners of all non-domestic Combined Sewers that may discharge any of the restricted or prohibited items or materials listed in Sections 13.12.260 and 13.12.270 of this chapter shall have specific procedures in place to ensure the same objectives and mechanisms for operation of their Sewers that are required of the Village in the operation of the Public Sewers.

13.12.210 New construction in Combined Sewer areas.

Any new construction tributary to the Combined Sewer System shall be designed to minimize and/or delay inflow contributions to the Combined Sewer System.

13.12.220 Inflow sources on Combined Sewer System.

All inflow sources on the Combined Sewer System shall be connected to a Storm Sewer, within a reasonable period of time, when a Storm Sewer becomes available.

13.12.230 New Sewer connection separations.

Any new building domestic waste connection shall be completely separate from the building storm water (inflow) collection system, within the property line, to facilitate disconnection when a Storm Sewer becomes available.

13.12.240 Generally.

No person shall discharge, or cause to be discharged, any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to or into any Sanitary Sewer.

13.12.250 Stormwater; unpolluted drainage.

Stormwater and all other unpolluted drainage shall be discharged to such Sewers as are specifically designated as Combined Sewers or Storm Sewers or to a Natural Outlet approved by the Village Engineer. Industrial cooling water or unpolluted process waters may be discharged to or into a Storm Sewer, Combined Sewer or a Natural Outlet only after receipt of written approval of the Village Engineer.

13.12.260 Prohibited discharges enumerated.

No person shall discharge or cause to be discharged any of the following described waters or wastes into any Public Sewers:

(A) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(B) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient

quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the Sewage Treatment Works.

(C) Any waters or wastes having a pH lower than five-and-one-half (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in Sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, paint, wood, unground Garbage, unshredded Garbage, whole blood, paunch, manure, hair, fleshing, entrails, paper dishes, cups, milk containers and the like, either whole or ground by Garbage grinders.

13.12.270 Restricted discharges.

(A) No person shall discharge or cause to be discharged the following substances, material, waters or wastes described hereinbelow in §13.12.270(B) if it appears likely in the opinion of the Village Engineer that the wastes can harm either the Sewer's Sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance.

(B) In forming his opinion as to the acceptability of these wastes, the Village Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the Sewers, materials of construction and age of the Sewers, nature of the Sewage treatment process, capacity of any Sewage Treatment Works, degree of treatability of wastes in any Sewage Treatment Works and maximum limits established by regulatory agencies. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

(2) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C);

(3) Any Garbage that has not been properly shredded. Proper shredding shall mean that the wastes from the preparation, cooking and dispensing of food have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½-inch in any dimension. The installation and operation of any Garbage grinder equipped with a motor of one (1) horsepower or greater shall be subject to the review and approval of the Plumbing Inspector;

(4) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solution, whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc or similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite Sewage at any Sewage Treatment Works exceeds the limits established by the Village Engineer for the materials;

(6) Any waters or wastes containing phenols or other taste-producing or odor-producing substances, in such concentrations exceeding limits which may be established by the Village Engineer as necessary after treatment of the composite Sewage, to meet the requirements of the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village Engineer in

compliance with applicable state or federal regulations;

(8) Any wastes or waters having a pH in excess of nine-and-one-half (9.5);

(9) Any mercury or any of its compounds in excess of 0.0005 mg/l of Hg at any time, except as permitted by the Village Engineer in compliance with applicable state and federal regulations;

(10) Any cyanide at any time, except as permitted by the Village Engineer in compliance with applicable state and federal regulations;

(11) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on any Sewage Treatment Works; or

(d) Unusual volume of flow or concentration of wastes constituting Sludge.

(12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the Sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

13.12.280 Options of Village Engineer upon discovery of unsuitable discharges.

(A) If any waters or wastes are discharged or are proposed to be discharged to the Public Sewers, which waters contain the substances or possess the characteristics enumerated in §13.12.270 and/or which are in violation of the standards for Pretreatment provided in 40 CFR 403, June 26, 1978, and any amendments thereto, and which in the judgment of the Village Engineer may have a deleterious effect upon the Sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village Engineer may:

- (1) Reject the wastes;
- (2) Require Pretreatment to an acceptable condition for discharge to the Public Sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or Sewer charges under the provisions of §§ 13.12.340 *et seq.*

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

13.12.290 Interceptors.

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

13.12.300 Preliminary treatment facilities.

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

13.12.310 Control Manhole.

Each "Industrial User" shall be required to install a Control Manhole. In addition, the Village Engineer and/or the MWRD may require the owner of any property serviced by a Building Sewer carrying Industrial Wastes to install a suitable Control Manhole together with the necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling and measurement of the wastes. The Control Manhole, when required, shall be accessibly and safely located and shall be located and constructed in accordance with plans approved by the Village Engineer. The Control Manhole shall be installed by the owner at his or her sole expense and shall be maintained by him or her so as to be safe and accessible at all times.

13.12.320 Laboratory analyses required.

The owner of any property serviced by a Building Sewer carrying Industrial Wastes shall provide laboratory measurements, tests and analyses of waters and wastes to illustrate compliance with this chapter and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year the industry must supply a complete analysis of the constituents of the Sewage discharge to the Village Engineer to assure that compliance with the federal, state and local standards is being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such a manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses and

reporting required by the Village. At such times as deemed necessary or appropriate, the Village reserves the right to take measurements and samples for analyses by an outside laboratory service.

13.12.330 Sampling procedures.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of IEPA Division of Laboratories Manual of Laboratory Methods and shall be determined at the Control Manhole provided or upon suitable samples taken at the Control Manhole. In the event that no special manhole has been required, the Control Manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the affect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH is determined from periodic grab samples.

13.12.340 Special arrangement or agreement between Village and industrial concern.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an Industrial Waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, by the industrial concern; provided the payments are in accordance with federal and state guidelines for user charge systems.

13.12.350 Basis for charges.

(A) The Sewerage collection service charge for the use of and for service supplied by the Sewerage collection system of the Village shall consist of a basic user charge, a Capital Improvement Charge, a debt service charge when applicable, and a Surcharge when applicable. The basic user charge is designed to recover the operation, maintenance and Replacement costs for the Sewerage collection system.

(B) The Sewerage collection service charge shall be based on water usage as recorded by water meters. In the event that the water meter is inoperative for all or part of a billing period, the amount of water used will be calculated by averaging the usage for the 12-month period immediately preceding the billing period. When the customer account has been in effect for less than 12 months, the computation shall be based on the shorter period.

13.12.360 Charges established.

The Sewage collection service charge which shall be paid by all users of the Public Sewer collection system shall be those as set forth and established in Chapter 13.04 of the Village Code, "Water Service System."

13.12.370 Billing.

(A) The Sewage service charge shall be billed in conjunction with the charge for water usage as set forth and established in Chapter 13.04 of the Village Code, "Water Service System."

(B) All revenue derived from the Sewerage collection service charge shall be combined with water funds and shall be accounted for in accordance with generally accepted accounting principles.

13.12.380 Discontinuing service for nonpayment.

(A) The water supply may be shut off and disconnected from any premises for which a

bill for water and Sewer service remains unpaid sixty (60) days after it has been rendered.

(B) Whenever a bill for water and Sewer service shall remain unpaid for a period of sixty (60) days, the Village Clerk shall file with the County Recorder a statement of lien claim.

(C) The termination of water service shall be in accordance with the provisions of §13.04.250, any other pertinent sections of Chapter 13.04 and this chapter.

13.12.390 Access to records.

The IEPA or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any "State Grant."

13.12.400 Audit.

The adequacy of the Sewer service charge shall be reviewed, not less often than annually, by certified public accountants for the Village in the annual audit report. The Sewerage collection service charge shall be revised periodically to reflect a change in local operation, maintenance and Replacement costs.

13.12.410 Notification.

The users of the Sewerage collection system will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to increases in the Sewerage collection system operation, maintenance and Replacement costs.

Section 11.00 Other Actions Authorized.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith including, without

13.12.420 Appeals.

The method for computation of rates and service charges established for user charges in this chapter shall be made available to a user within fourteen (14) days of receipt of a written request for such. Any disagreement on the method used or in the computations thereof shall be remedied by the Village Mayor or his designee within thirty (30) days after notification of a formal written appeal outlining the discrepancies.

13.12.430 Penalty.

(A) Any person found to be violating any provision of this chapter, except as set forth in §13.12.040, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations. The Village may revoke any permit for Sewer service as a result of any violation of any provision of this chapter.

(B) Any person who shall continue any violation beyond the time limit provided for in §13.12.430(A) shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding the statutory maximum amount for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(C) Any person violating any of the provisions of this chapter shall become liable to the Village by reasons of the violation.

limitation, the execution and delivery of any and all documents required to be delivered in connection with this Ordinance.

Sections 12.00 – 15.00. Reserved.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 16.00 Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 17.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section, or part shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

Section 18.00 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 19.00 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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Section 20.00 Effective Date.

This Ordinance shall be in full force and effect ten (10) days following its passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board of Trustees:

AYE VOTES: Trustee Italia, Trustee Mota, Trustee Prignano,
Trustee Taconi, Trustee Anguiano

NAY VOTES:

ABSTAIN:

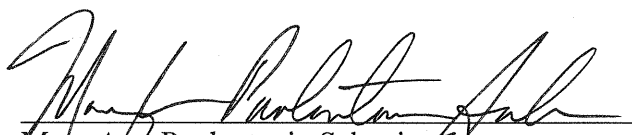
ABSENT: Trustee Conteduca

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TENTH DAY OF
MARCH, 2008, A.D.

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: March 10, 2008
Published in Pamphlet Form: March 11, 2008