

GODLEY PUBLIC WATER DISTRICT CODE - REVISED MARCH, 2015

CHAPTER 1 – GENERAL PROVISIONS

Section 1-101. Code Designated and Cited: The ordinances embraced in this and the following chapters and sections shall constitute and be designated as "The Code of the Godley Public Water District" and may be so cited. Such ordinances may also be cited as the "Godley Water District Code." The Godley Public Water District has been duly organized and established pursuant to 70 ILCS 3705/1, *et seq.*

Section 1-102. Severability of Parts of Code: Should any section, paragraph, sentence, clause, phrase or word of this Code be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs, or sections of this Code, since the same would have been enacted by the Board of Trustees without the incorporation in this Code of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 1-103. Record and Memorandum of Ordinances Required. The District Secretary shall record, in a book used exclusively for that purpose, all ordinances passed by the District. Immediately following each ordinance, the Secretary shall make a memorandum of the date of the passage and the publication, where required, of the ordinance. All ordinances shall be signed by the Chairman, with attesting signature of the Secretary.

Section 1-104. Record to be prima facie Evidence of Contents, etc. The record and memorandum required by the preceding section, or a certified copy thereof, shall be prima facie evidence of contents, passage and the publication or posting of ordinances.

Section 1-105. Proof of Ordinance. The contents of all District ordinances, the date of passage and the date of publication or posting, where required, may be proved by the certificate of the Secretary, under the seal of the District.

Section 1-106. Enacting Style of Ordinances and Publications; Effective Date. The enacting style of all ordinances shall be: "Be it ordained by the Board of Trustees of the Godley Public Water District." All ordinances shall take effect ten (10) days after their passage and publication in the manner provided by law. Any ordinance establishing rules and regulations or rates or charges for the use of District services shall be published within thirty (30) days after adoption in a newspaper published in the District. If there is no such newspaper, the ordinance shall be published in a newspaper of general circulation in the county and having general circulation in the District.

State law reference: 70 ILCS 3705/23

Section 1-107. Intent. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Board of Trustees may be fully carried out.

State law reference: 70 ILCS 3705/25

Section 1-108. Catchlines of Sections. The catchline of any section of this Code printed in boldface type is intended merely as a catchword to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor as any part of the section; nor, unless expressly so provided, shall it be so deemed when such section, including the catchline, is amended or reenacted.

Section 1-109. Construction of Words.

- A. Whenever any word in any section in this Code imports the plural number, the singular shall be deemed to be included, and whenever the singular number shall be used, it shall be deemed to include the plural.
- B. Whenever the masculine gender is used in this Code, females as well as males shall be deemed to be included.
- C. Words in the present tense shall be deemed to include the future tense.
- D. The words "written" and "in writing" may include printing or other mechanical methods of reproduction.
- E. The word "shall" as used in this Code is mandatory.
- F. The words "appointing authority" shall mean the County of Will or the County of Grundy, as appropriate to the context.

Section 1-110. Effect of Repeal or Repealing Ordinances. When any ordinance repealing any former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed so as to revive such former ordinance, clause or provision, unless it shall be therein expressly so provided.

Section 1-111. Corporate Seal--Design. The corporate seal of the District shall be of circular form, not less than one and one-half inches and not more than two inches in diameter, and shall be engraved with the words "Godley Public Water District" in the circle.

Section 1-112. Corporate Seal-- Custody, Use and Effect. The corporate seal shall be kept in the custody of the Secretary and an impression thereof attached to all instruments, documents and other corporate acts which are required to be authenticated by the corporate seal. The Secretary shall certify, under the corporate seal, copies of all records, documents or papers in his/her office when required by any officer or other person. In no case shall the impression of the corporate seal be binding upon the District unless it is authorized by ordinance and attested by the signature of the Secretary.

Section 1-113. Fiscal Year. The fiscal year for the District shall commence on May 1 of each year and shall extend through April 30 of the following year.

Section 1-114. Surety Bonds. Whenever a surety bond to indemnify the District is required as a prerequisite to exercising the duties of any office or position or to the issue of a license or permit, or for the exercise of any special privilege, the surety on such bond shall be a

corporation licensed and authorized to do business in this state as a surety company. The sum and form of each such bond for the appointed Trustees of the District shall be determined by the Appointing Authority and shall be for the use and benefit of the District.

Section 1-115. Indemnification of Certain Officials.

- A. To the fullest extent permitted by the Constitution of the State of Illinois of 1970 and applicable law, each of the following officials and employees of District:
1. All persons who were, now are, or shall be lawfully appointed or employed officials of the District;
 2. All employees and all persons who perform a service on a volunteer basis for the District and under its direction and control and any persons providing services to the District under any mutual aid or similar agreement; shall be indemnified, defended and held harmless by the District from and against all liabilities, expenses of investigation, judgments and amounts paid in settlement which may be imposed upon or reasonably incurred or paid by such official or employee in connection with or resulting from any claim made against him, or any action, suit, proceeding or investigation in which he may be involved, by reason of his being or having been such official or such employee of the District, whether or not he continues to be such official or employee at the time of such claim, action, suit, proceeding or investigation.
- B. The foregoing indemnity shall not extend to any of the following:
1. Any liability or cost with respect to any matter as to which such official or employee is finally adjudged to be guilty of bad faith, or actual malice, or willful and wanton misconduct in the performance of his duties as such official or employee;
 2. Any payment, expense or cost arising out of a settlement of any claim, action, suit or proceeding, unless (a) such settlement shall be approved by the court having jurisdiction over such claim, action, suit or proceeding, with express knowledge of the existence of the indemnification provided hereby, or (b) such settlement shall have been made upon the written opinion of independent legal counsel selected by the Board of Trustees, to the effect that there is no reasonable ground for any finding of bad faith, or of actual malice, or willful and wanton misconduct on the part of such official or employee and that the anticipated cost of such settlement will not substantially exceed the estimated cost and expense of defending such claim, action, suit or proceeding to a final conclusion;
 3. Any liability or judgment payable to the District itself;
 4. The cost of independent legal representation in any such action, suit or proceeding if the District offers or other-wise indicates its willingness to provide a legal defense with respect to such claim, action, suit, proceeding, or investigation.

State law reference: 745 ILCS 10/2-302

Section 1-116. Accounting System; Audit. The Board of Trustees shall install and maintain a proper system of accounts showing receipts from operation and the application of the same, and the Board shall at least once a year cause such accounts to be properly audited by an independent public accountant.

State law reference: 70 ILCS 3705/14

Section 1-117. Payments out of Treasury. No money shall be paid out of the treasury of the District except upon an order signed by the Chairman and Secretary of the Board. Such order shall specify the purpose for which the amount thereof is to be paid, with sufficient clearness to indicate the purpose for which the order is issued and the name of the particular fund out of which it is payable, and it shall be payable from the fund constituted for such purpose and no other.

State law reference: 70 ILCS 3705/15

Section 1-118. Issuance of Revenue Bonds. The issuance of revenue bonds, if any, by the District shall comply with all pertinent laws and regulations, including the provisions of 70 ILCS 3705/1 *et seq.*

Section 1-119. Acquisition of Waterworks Properties. The Board of Trustees is authorized to acquire either by purchase or condemnation, and to maintain and operate, and to improve and extend such waterworks properties within the district as the Board of Trustees may determine to be conducive to the preservation of public health, comfort and convenience.

State law reference: 70 ILCS 3705/12

Section 1-120. Establishment of Water Rates and Charges. The Board of Trustees shall establish rates and charges for water and water service, which shall be sufficient at all times to pay the cost of maintenance and operation, depreciation, and principal of and interest on bonds, if any, issued by the District.

State law reference: 70 ILCS 3705/12, 22

CHAPTER 2 – GOVERNING BOARD AND ADMINISTRATION

Article 1. Board of Trustees

Section 2-101. Appointment of Trustees.

- A. A Board of Trustees, consisting of seven (7) members, shall govern, control and manage the affairs and business of the District.
- B. Because the District is located in more than one county, the Trustees of the District shall be appointed by the County Board of the Trustees' respective counties. The number of Trustees who are residents of a particular county shall be in proportion, as nearly as practicable, to the numbers of residents who reside in that county in relation to the total population of the District.
- C. Upon the expiration of the term of a Trustee, the successor shall be a resident of whichever county is entitled to such representation in order to bring about the proportional representation required herein, and he/she shall be appointed by the appointing authority of that county based on the most recent federal decennial census on population.

State law reference: 70 ILCS 37505/4

Section 2-102. Staggered Appointment of Trustees/Terms of Office. 70 ILCS 37505/4 The appropriate county appointing authorities shall initially appoint seven (7) Trustees, who shall hold that office, respectively, as follows: one (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; two (2) for four (4) years; and two (2) for five (5) years from the first Monday of May next after their appointment as designated by the Appointing Authority at the time of appointment and until their successors are appointed and have qualified. Thereafter, on or after the first Monday in May of each year, the Appointing Authority shall appoint successors whose term shall be for five (5) years commencing the first Monday in May of the year they are respectively appointed.

Section 2-103. Vacancies. Whenever a vacancy in the Board of Trustees shall occur, whether from death, resignation, refusal to qualify, or for any other reason, the Appointing Authority shall have power to fill such vacancy by appointment. Such persons so appointed or qualified for office in the manner hereinbefore stated shall thereupon assume the duties of the office for the unexpired term for which such person was appointed.

State law reference: 70 ILCS 37505/4

Section 2-104. Oath and Compensation. The members of the Board of Trustees shall take the oath of office prescribed by statute and shall receive such compensation as shall be determined by resolution of the Board of Trustees, but not more than twelve hundred dollars **\$1,200.00** per annum, The resolution setting Trustee compensation shall be adopted at the first meeting of the Board of Trustees in May of each year.

State law reference: 70 ILCS 37505/4

Section 2-105. Interest in Contracts. No Trustee or employee of the District shall be directly or indirectly interested in any contract, work or business of the District or the sale of any article, the expense, price or consideration of which is paid by such District, nor in the purchase of any real estate or property for or belonging to the District.
State law reference: 70 ILCS 37505/4

Section 2-106. Board Officers. At the first meeting in May of each year, the Board of Trustees shall elect one of their number as Chairman and one as Vice Chairman. The Board of Trustees shall further elect a Secretary and a Treasurer, neither of whom shall be members of the Board of Trustees. The Secretary and Treasurer shall perform such duties and shall receive such salaries as may be determined by the Board of Trustees. The Treasurer and Secretary shall be required to furnish surety bonds for the use and benefit of the District in such sums as may be fixed by the Board of Trustees.
State law reference: 70 ILCS 37505/5

Article 2. Meetings.

Section 2-201. Quorum and Voting. A majority of the Board of Trustees shall constitute a quorum, but a smaller number may adjourn from day to day. Each member of the Board of Trustees shall have the right to vote on all questions coming before the Board, unless he/she is directly interested in such question.
State law reference: 70 ILCS 37505/4

Section 2-202. Regular Meetings. The regular meeting of the Board of Trustees shall be on the third Wednesday of each month, beginning at 5:00 P.M. The meeting place of the Board shall be at the Godley Public Water District, 440 South Center Street, Godley, IL 60407, unless otherwise ordered by the Board.

Section 2-203. Special Meetings. Special meetings may be called by the Chairman or by any three (3) Trustees upon at least forty eight (48) hours prior written notice to all members and the Chairman, in accordance with the provisions of the Open Meetings Act (5 ILCS 120/1 *et seq.*), as may be amended from time to time.

Section 2-204. Order of Business. The order of business at meetings of the Board of Trustees shall be as follows:

- I. Call to Order & Roll Call
- II. Communications
 - A. Public Comment
 - B. Correspondence
- III. Approval of Minutes of previous meeting
- IV. Approval of Warrant
- V. Manager's Report

- VI. Engineer's Report
- VII. Attorney's Report
- VIII. Water Operator's Report
- VI. Old Business
- VII. New Business
- VIII. Executive Session (if any)
- IX. Adjournment

Section 2-205. Robert's Rules of Order. Robert's Rules of Order shall govern the deliberations of the Board of Trustees, except when in conflict with any of the foregoing rules or statutes of the State.

Section 2-206. Disturbing Meetings. It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any committee thereof. Such person may be ejected from such meeting.

State law reference: 720 ILCS 5/26-1(a)(1) [disorderly conduct]

Section 2-207. Electronic Meeting Attendance. Members of the corporate authorities of the District may attend regular or special meetings of the Board of Trustees by electronic means, subject to the following regulations:

- A. If a quorum of the members of the Board is physically present as required by Section 2.01 of the Open Meetings Act (5 ICLS 120/2.01), the Board may allow a physically absent member of the corporate authorities to attend the meeting by other means if the member is prevented from physically attending because of: (a) personal illness or disability; (b) employment purposes or the business of the public body; or (c) a family or other emergency.
- B. "Other means," as used in these regulations, shall mean by video or audio conference.
- C. If a member of the Board wishes to attend a meeting by other means, the member shall notify the Secretary before the meeting unless advance notice is impractical.
- D. Members may participate by other means at either an open meeting or a closed meeting of the Board.
- E. Written minutes of all Board meetings, whether open or closed, shall include whether the members were physically present or present by means of audio or video conference.
- F. As the first item of business, members of the Board who are physically in attendance at a Board meeting shall determine, by majority vote, whether a member who is not physically in attendance may participate in that meeting by other means.

Article 3. Officers and Employees

Section 2-301. General Manager. The Board of Trustees may appoint a General Manager to oversee the operations and business of the Water District. If a General Manager is appointed, the following terms and conditions shall apply to the appointed position:

- A. The General Manger shall serve for a period of five (5) years and until his successor is appointed, unless the General Manager is discharged earlier as hereinafter provided.
- B. The General Manager shall be chosen without regard to his political affiliation and upon the sole basis of his administrative and technical qualifications to manage the waterworks properties and affairs of the District.
- C. The General Manager need not be a resident of the District.
- D. The General Manager shall serve at the pleasure of the Board of Trustees and may be discharged at any time upon a unanimous vote of the members of the Board of Trustees then holding office.
- E. The General Manager's compensation shall be fixed by resolution of the Board of Trustees at the time of the General Manager's appointment.
- F. The General Manager shall devote his time exclusively to the affairs of the District.
- G. The General Manager shall be the chief administrative officer of the District. He shall be responsible to the Board for the proper administration of all affairs of the District. To that end, he shall have power and shall be required to:
 - 1. Aid in the preparation of the budget annually and submit it to the Board of Trustees, and be responsible for its administration after adoption.
 - 2. Keep the Board advised of the future needs of the District and make such recommendations as he may deem desirable.
 - 3. Recommend to the Board of Trustees adoption of such measures as he may deem necessary or expedient for the welfare of the District or for the improvement of administrative services.
 - 4. Attend all meetings of the Board unless excused therefrom and take part in the discussion of all matters coming before the Board. He shall be entitled to notice of all regular and special meetings of the Board.
 - 5. Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget; let contracts for general operations and maintenance or services for amounts up to and including five thousand dollars (\$5,000.00) and for emergency maintenance services for amounts up to and include ten thousand dollars (\$10,000); receive sealed bids for purchases or contracts in excess of five

thousand dollars (\$5,000.00); and advise the Board on the advantages or disadvantages of the contract or merchandise on which such bids have been received. No purchase shall be made, contract let or obligation incurred for any item or service which exceeds the current budget appropriations without a supplemental appropriation by the Board. No purchase, acquisition, construction or other contract of any type, in excess of five thousand dollars (\$5,000.00), may be let except by the Board. The General Manager may issue such rules governing purchasing procedures as the Board shall approve.

6. See that all District ordinances are duly enforced.
7. Employ, discharge and fix the compensation of all employees of the District, except as otherwise provided in this Code.
8. Investigate all complaints in relation to matters concerning the administration of the District and with regard to service provided by the District.
9. Supervise and coordinate the work of all the other appointed officers and employees of the District and report directly to the Board.
10. Insure that all District operations are conducted in compliance with all applicable federal and state laws and with District ordinances and policies.
11. The General Manager shall establish and administer procedures for the orderly acquisition, operation, maintenance, repair and documentation of all management information systems and shall also establish and administer procedures for system security and training.
12. He shall supervise the maintenance of all District property.
13. The General Manager shall perform such other duties as may be required by the Board.

State law reference: 70 ILCS 3705/7

Section 2-302. Duties of the Secretary.

The Secretary shall perform the following functions and duties on behalf of the District:

- A. Seal and attest all contracts of the District and all resolutions and ordinances, and such other documents as shall require this formality. The Secretary shall be the keeper of the corporate seal.
- B. Attend all official meetings of the Board of Trustees, regular Board meetings, committee of the whole meetings, special Board meetings and all executive session meetings.
- C. Keep a record of the proceedings of the Board, committee of the whole and special Board meetings in the Official Journal. Executive session meeting minutes are to be recorded and maintained in compliance with the Open Meetings Act (5 ILCS 120/1 *et seq.*).

- D. Attend staff meetings.
- E. Confer with the District's Attorney on matters which require a legal opinion when representing the Board of Trustees.
- F. Qualify and perform as Notary Public.
- G. Keep Godley Public Water District Code up-to-date.
- H. Receive and record all litigation involving the District.
- I. Such other duties as may be assigned by the Board of Trustees.

The Secretary shall receive such compensation as may be determined by the Board of Trustees at its annual organizational meeting in May.

State law reference: 70 ILCS 3705/5

Section 2-303. Treasurer's Duties.

The Treasurer shall perform the following functions and duties on behalf of the District:

- A. Financial Records. The Treasurer shall be charged with preparing and keeping all financial records of the District, which records shall be at all times subject to inspection by the Chairman and any member of the Board of Trustees.
- B. Current Accounts. The Treasurer shall keep a separate current account of each fund and appropriation, showing the debits and credits belonging to each such account and the unexpended balance for each account, and shall keep all other accounts necessary to show at all times the fiscal condition of the District, including the current and anticipated revenues and expenses of all District funds and accounts.
- C. Monthly Account. At least five days prior to the regular Board meeting of each month, the Treasurer shall render an account under oath to the Board of Trustees showing the state and balance of the District treasury at the close of the preceding month and showing all receipts and expenditures of the District. He/she shall accompany the account with a statement of all monies received into the treasury and on what account, together with all warrants redeemed and paid by him.
- D. Budget and Appropriation Ordinance. The Treasurer shall be responsible for preparing drafts of the annual budget and appropriation ordinance in time for passage, approval and filing as required by law. In addition, in the event the District levies any taxes, the Treasurer shall be responsible for preparing drafts of the annual levy ordinance.
- E. Register of Warrants and Vouchers. The Treasurer shall keep a register of all warrants, orders and vouchers filed with him or paid by him. The register shall describe each such item and shall show its date, amount and number, the fund from which paid, the name of the person to whom paid, and the date when paid.

- F. Record of Bonds. The Treasurer shall keep in his office, in books used solely for that purpose, a correct list of all the outstanding bonds of the District, if any, showing the number and amount of each, and for and to whom the bonds were issued. When District bonds are purchased, paid or canceled, his books shall so indicate.
- G. Payment of Bills. The Treasurer shall pay to any person designated in any warrant lawfully drawn upon him and properly signed the amount specified in such warrant, but such payment shall be made only out of funds in his possession properly appropriated for such payment.

The Treasurer shall prepare monthly warrants for the payment of all sums due from the District, listing each item and the account out of which it is payable, which warrants when properly signed, shall authorize the issuance of a voucher or check, as provided by law, for the payment of each item.

A list of all items to be paid shall be submitted to the Board of Trustees before the warrant is submitted to the Chairman for his/her signature. Such list shall contain the statement of the Treasurer to the effect that all items contained therein are proper expenses due from the District for services performed or materials furnished to the District. 70 ILCS 3705/15 Approval for such list of items to be paid by the Board of Trustees on a roll call vote shall constitute the Board of Trustees' approval of the payment of all expenses listed thereon; provided that the Board may in the motion to approve payment except specific items from such approval, in which case such items shall not be paid.

- H. Revenues. The Treasurer shall receive all charges for utility services, charges for the use of District property or special services rendered by the District, sums due the District on any contracts, and all other sums and monies due or belonging to the District, either directly from the person paying the money or from the hands of such other officer or employee as may receive it. Funds not immediately required for District operations shall be invested in the manner required by the Public Funds Investment Act (30 ILCS 235/1 *et seq.*) and by the District's investment policy.
- I. Fixed Asset Accounting. The Treasurer shall be responsible for establishing and maintaining all records relating to the cost of the acquisition, depreciation, replacement and disposal of the fixed assets of the District.
- J. Other Duties. The Treasurer shall have such other duties as may from time to time be prescribed by the Board of Trustees.

The Treasurer shall receive such compensation as may be determined by the Board of Trustees at its annual organizational meeting in May.

State law reference: 70 ILCS 3705/5

Section 2-304. Attorney.

The Board of Trustees may appoint an attorney to represent the legal interests of the District and to perform the following duties and functions:

- A. Prosecute or defend all suits or actions at law or equity to which the District may be a party, or in which it may be interested, or which may be brought against or by any officer of the District on behalf of the District, or in the capacity of such person as an officer of the District.
- B. See the full enforcement of all judgments or decrees rendered or entered in favor of the District and of all similar interlocutory orders.
- C. Serve as the legal advisor of the District and render advice on all legal questions affecting the District whenever requested to do so by the Chairman, Board of Trustees, Treasurer, Secretary or General Manager.
- D. Draft or supervise the phraseology of any contract, lease or other document or instrument to which the District may be a party and, upon request of the Board, draft ordinances covering any subject within the power of the District.
- E. Perform such other duties as may be assigned by the Board of Trustees.

The District's Attorney shall receive such compensation as may be determined by the Board of Trustees at its annual organizational meeting in May.

State law reference: 70 ILCS 3705/6

Section 2-305. Licensed Water Operator.

The General Manager may employ or retain the services of one or more licensed water operators to perform the following duties and functions:

- A. Coordinate, oversee and inspect the construction of all water system improvements on behalf of the District and report to the Board on a monthly basis with respect thereto.
- B. To be in charge of the care, functioning and maintenance of the District waterworks and water distribution system.
- C. Coordinate the delivery of water to the District's system from other municipal water suppliers and assure water quality.
- D. Perform such other duties as may be assigned by the General Manager.

State law reference: 70 ILCS 3705/7

Section 2-306. District Engineer.

The Board of Trustees may employ or retain the services of one or more engineers to perform the following duties and functions:

- A. Coordinate, oversee and inspect the construction of all water system improvements on behalf of the District and report to the Board on a monthly basis with respect thereto.
- B. To assist the District's Licensed Water Operator with the care, functioning and maintenance of the District waterworks and water distribution system.
- C. To publish, maintain and periodically update Material and Construction Specifications for the Godley Public Water District;
- D. Perform such other duties as may be assigned by the Board of Trustees.

The District Engineer(s) shall receive such compensation as may be determined by the Board of Trustees at its annual organizational meeting in May.

State law reference: 70 ILCS 3705/6

CHAPTER 3 – CONTRACTS

Section 3-101. Public Bidding Required.

- A. Except as otherwise set forth in this Chapter, all contracts involving the expenditure by the District of more than \$20,000 for construction work or for the purchase of equipment as improvements, extensions or replacements shall be entered into only after notice inviting bids shall have been published in a newspaper published in the District, and if there is no such newspaper published in the District and if there is no such newspaper, in a newspaper published in the county and having general circulation in the District at least once not less than ten (10) days prior to the date of making any such contract.
- B. Any obligations incurred by the District of any kind or character whatsoever shall not in any event constitute and be deemed an indebtedness within the meaning of any of the provisions or limitations of the constitution or of any statute, but all such obligations are payable solely and only out of revenues derived from the operation of the waterworks properties of the District or from the proceeds of bonds issued, if any.

State law reference: 70 ILCS 3705/11

Section 3-102. Materials and Supply Contracts. No continuing contract for the purchase of materials or supplies (including a contract for a supply of water) or furnishing the District with energy or power for pumping or for the supply of water to any city, village or incorporated town, shall be entered into for a longer period than forty (40) years.

State law reference: 70 ILCS 3705/11

Section 3-103. Water Contracts. Intergovernmental agreements or contracts for a supply of water shall not be subject to such provisions for public bidding. No prior appropriation shall be required before entering into such a contract for a supply of water, and no appropriation shall be required to authorize payments to be made under the terms of any such contract. Payment to be made under any such supply contract shall be an operation and maintenance expense of the waterworks system of the District.

State law reference: 70 ILCS 3705/11

Section 3-104. Emergency Purchases. In the event of an emergency affecting or threatening the public health or safety, in order to maintain the safety and adequacy of service to the District's customers, the general manager, with the consent of the board chairman or vice chairman, may enter into contracts for necessary construction work or for the purchase of supplies, materials, or equipment without public advertisement. The general manager shall make a full written report to the board of trustees detailing the nature of the emergency, the responsive action taken by the general manager, and the contracts made to resolve the emergency.

State law reference: 70 ILCS 3705/11

CHAPTER 4 – WATER SYSTEM REGULATIONS 70 ILCS 3705/11

Article 1. General Regulations

Section 4-101. Compliance of Plumbing Prerequisite to Turn on. No water shall be turned on for service in premises in which the plumbing does not comply with this Code and other ordinances of the District; provided that, water may be turned on for construction work in unfinished buildings, subject to the provisions of this Chapter.

Section 4-102. Resale of Water Lawfully Obtained from District Supply. No water shall be resold or distributed by the recipient thereof from the District supply to any premises other than that for which application has been made and the meter installed, except in case of emergency or except for bulk sales of water to another unit of government as per an intergovernmental agreement.

Section 4-103. Tampering with, Injuring, etc. Waterworks or Water Supply System. It shall be unlawful for any person not authorized by the District to tamper with, alter or injure any part of the District waterworks or water supply system.

Section 4-104. Enforcement of Article. The General Manager is hereby designated and authorized to enforce this Article.

Section 4-105. Lawn Sprinkling Restrictions. The Board of Trustees may limit the use of water from the waterworks system for lawn sprinkling.

Section 4-106. Private Wells.

A. When prohibited. In order to promote the orderly development of the public water supply and distribution, the construction of private wells within the corporate limits of the Godley Public Water District is prohibited unless:

- (1) When the property to be served is more than 400 feet, measured along a public right-of-way or easement, from a public water main; and
- (2) It can be shown that the water produced by the proposed well is unlikely to contain any substance for which the United States Environmental Protection Agency (USEPA) has established a primary drinking water standard, at a concentration in excess of the relevant maximum contaminant level (MCL) established by the USEPA.

B. Wells to be constructed by licensed drillers. All wells constructed within the corporate limits of the Godley Public Water District shall be constructed by well drillers licensed by the state.

Section 4-107. Use of District Services Required

A. No person having his residence or place of business within territorial limits of the Water District shall be permitted to buy water from any other water district, municipal

corporation or other public utility for such residence or place of business located in the Water District.

- B. Every new and existing dwelling, residence, place of business, or public building within the territorial limits of the District, located on a lot abutting an existing available public water main, shall, within ninety (90) days after the effective date hereof, tie into such public water main, and all existing wells or private water supply piping shall be disconnected from the potable water piping of said dwelling, residence, place of business or public building, and capped or removed in accordance with county code, within said time.

Article 2. Extension of Service

Section 4-201. Establishing Water Service. Any person desiring to be furnished with water from the District shall provide the following information in an application for water service:

- A. Name and address by street number of premises to be served and the proposed billing address if different from the premises.
- B. Name and address of property owner, if different than billing name and address.
- C. Name of lessee, if applicable.

Section 4-202. Deposits To Secure Payment of Bills. After the expiration of the District’s initial Free Service Connection Program, all residential, commercial, and industrial owners and/or lessees connecting to the water system shall be required deposit the following amounts to secure payment of bills accruing:

| | |
|------------------|---------|
| Residential..... | \$54.00 |
| Commercial..... | *200.00 |
| Industrial | *200.00 |

* or 3 times the anticipated monthly bill rounded to the nearest \$50 whichever is greater.

Such amounts shall be held by the District as a security deposit. At the time a residential or commercial/industrial lessee is moving from the premises or a commercial/industrial owner is selling its property, if all accrued bills have been paid in full and the meter is in place and not damaged, such deposit will be refunded to the applicant, or such deposit may be transferred to a new account with the District established by the applicant.

Section 4-203. Water Service Lines. Repair or replacement of the water service line shall be at the expense of the owner or person in control of the property concerned. It shall be the responsibility of such person to maintain and keep in repair the water service line between the District’s meter pit box and the building. The District may, in case of emergency, repair any water service lines, and if this is done, the owner shall be responsible for the cost of such work and the amount thereof shall be a lien against the premises to the same extent and with the same effect as delinquent water charges.

Section 4-204. Initiation of Service. No water from the District water supply shall be turned on for service into any premises by any person but the District's General Manager Licensed Water Operator or some person authorized by him/her to perform this service.

Section 4-205. Private Source to Be Disconnected before District Supply Is Turned on. No water from the District water supply shall be turned on for service into any premises which has tapped onto the District water main until a permanent disconnection has been made from any existing private water well by a licensed plumber and confirmed by the District's Licensed Water Operator or the District Engineer.

Section 4-206. Manner of Making Connections; Ownership, Maintenance and Repair of Lines and Appurtenances.

- A. All taps and connections to the water mains shall be executed by the Water District only.
- B. All meters shall be set and connections to the District's meter pit box shall be made by a plumber licensed by the State. The District Manager shall be notified twenty-four (24) hours in advance to inspect and approve such work prior to back-filling. [See my comment at the end re state plumbing law]
- C. The property owner shall own and maintain the service line from the District's meter pit box to the building served. The owner shall keep the meter pit box free of dirt, stones and other material that may hinder access to the shutoff valve.
- D. All fire service connections shall be made by a plumber licensed by the State. The District Manager shall be notified twenty-four (24) hours in advance to inspect and approve such work prior to backfilling.

Fire service connections and lines shall be installed and maintained by the owner of the property served.
- E. The District reserves the right to enter, at any time, on to private property to inspect the water line and to direct the owner to make necessary repairs or maintenance.

Section 4-207. Water Main Connections.

- A. Where a new service requires the tapping of the water main and installation of a District meter pit box, that work shall be executed by the Water District or its designated agent or contractor. The person obtaining the water service, at his/her own expense, shall install a service line from the District's meter pit box to the building to be served in conformance with the specifications of this Code. All such work by the person obtaining the water service shall be completed by a plumber licensed by the state and observed by the District's General Manager or some person authorized by him/her to perform this service.
- B. No connection with a District meter pit box shall be made without a permit having been issued and twenty-four (24) hours notice having been given to the District Manager. All such connections shall be made, all materials used, and all such work done shall be at the

expense of the applicant. No such connections shall be covered until the work has been observed by the District's Engineer, Licensed Water Operator, General Manager or some other person authorized by him/her to perform this service. Applications for such connections shall be made through the office of the District's General Manager, and a fee in the amount of fifteen hundred dollars (\$1,500.00) shall be paid for the permit.

Section 4-208. Service Outside of Water district Boundaries. The District may supply water to any municipality, political subdivision, private person or corporation located outside the limits of the District upon such payment, terms and conditions as may be mutually agreed upon, provided the water is delivered by the District to such party or parties at the corporate limits of the District or from such waterworks properties of the District located outside the District that have been constructed or acquired as necessary and incidental to the furnishing of water to the inhabitants of the District.

State law reference: 70 ILCS 3705/10, 20, 23

Article 3. Meters

Section 4-301. Meters Required.

All premises using the District water supply shall be equipped with a water meter provided by the Water District.

Section 4-302. Location of Meters.

The Water District shall install water meters in a meter pit box for the property in an appropriate location as determined by the District.

Section 4-303. Ownership and Maintenance of Meters.

- A. Water meters shall be owned by the District.
- B. Any water meter shall be tested upon request of the consumer and, if found to be inaccurate, shall be repaired or replaced free of charge. If the meter is found to be accurate within the guidelines of the American Water Works Association ("AWWA"), the customer shall be billed a minimum charge of twenty dollars (\$20) or the actual cost of the test, whichever is greater, to cover the expense of performing the test..
- C. It shall be unlawful for an individual, person or corporation to damage a meter or to remove such meter in order to bypass the meter. In addition to the remedies otherwise provided in this Code, the minimum administrative fee to replace a tampered meter shall be two hundred dollars (\$200.00) plus labor and materials costs.

Article 4. Material and Construction Specifications

Section 4-401. District Engineer to Publish Material and Construction Specifications. The District Engineer shall publish, maintain and periodically update Material and Construction Specifications for the Godley Public Water District, which are available upon request made to the District's General Manager or the District Engineer.

Article 5. Initial and Subsequent Customers

Section 4-501. Initial Installation of the District Waterworks System. The funding for the initial construction of the District waterworks system (the "Basic Waterworks System") will be paid from funds received from Exelon Corporation. Consequently, and notwithstanding anything to the contrary set forth within this Chapter 4, water users who agree in writing on or before August 19, 2011 to connect an existing residential or commercial building to the District's water system and to utilize water service from the District immediately thereafter (the "Initial Customers") shall not be responsible for the costs associated with the construction of the Basic Waterworks System, including water mains, water service lines, meters, service boxes or related inspections. All other users of the District, except for Initial Customers, shall be solely responsible for all costs, improvement expenses and fees provided for in this Chapter 4.

Section 4-502. Rate Classification. The Board of Trustees may establish a rate classification schedule for the use and service of the waterworks properties which differentiates in rates and charges between users served by the District by the Basic Waterworks System and new users who are served by the acquisition, improvement, construction, or extension of waterworks properties. Such rate differentiation shall be made only (1) if the cost for servicing the new users is greater than the cost for servicing the current users or (2) if necessary to defray a proportionate share of the payment of the principal of and interest on any revenue bonds issued by the District. Such rates shall be in proportion to the cost of providing service and shall be imposed fairly on all new users.

State law reference: 70 ILCS 3705/23

Article 6. Cross-Connection Control

Section 4-601. Purpose. The Board of Commissioners of the Godley Public Water District find that:

- A. The Illinois Plumbing Code, 77 III. Adm. Code 890. Subpart I, requires protection of the potable water system from contamination due to backflow or backsiphonage of contaminants through the water service connection; and,
- B. The Illinois Pollution Control Board Regulations, 35 III. Adm. Code 607.104, et seq. requires an active program of cross-connection control which will prevent the contamination of all potable water supply systems; and
- C. This Article 6 is necessary in order to accomplish these goals it is necessary to introduce restrictions that describe in detail specific procedures and requirements for cross-connection control.

Section 4-602. Compliance with Illinois Plumbing Code. That all plumbing installed within boundaries of Godley Public Water District, shall be installed in accordance with the Illinois Plumbing Code, 77 III. Adm. Code 890. That, if in accordance with the Illinois Plumbing Code or in the judgment of the District Engineer, an approved backflow prevention device is necessary for the safety of the public water supply system, the District Engineer will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with

the Illinois Plumbing Code and all applicable local regulations (see Appendix A following this Code), and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code and local regulations.

Section 4-603. Private water connections prohibited. That 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 Godley Public Water District may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the District Engineer and the Illinois Environmental Protection Agency.

Section 4-604. District Engineer to survey for hazards. That it shall be the duty of the District Engineer to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the District Engineer shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

Section 4-605. Right of entry. That the approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Godley Public Water District for the purpose of verifying the presence or absence of cross-connections, and that the District Engineer or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Godley Public Water 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 District Engineer any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the District Engineer, be deemed evidence of the presence of improper connections as provided in this ordinance.

Section 4-606. Disconnection for violation. That the District Engineer of the Godley Public Water District is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this ordinance, and until a reconnection fee of one hundred dollars (\$100.00) is paid to the Godley Public Water District. Immediate disconnection with verbal notice can be effected when the District Engineer is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of

the District Engineer or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Godley Public Water District, the District Engineer, its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination was with or without notice.

Section 4-607. Consumer responsible for contamination. That the consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

Section 4-608. Effective Date. This Article shall take effect and be in force from and after the first day the Godley Public Water District has 25 full time residents connected to its water system and/or is established as an IEPA regulated "Public Water System", whichever comes first.

CHAPTER 5 – CHARGES AND COLLECTION

Article 1. Rates and Charges

Section 5-101. Required. All property upon which any building has been or may hereafter be erected having a connection with any mains or pipes which may be hereafter constructed and used in connection with the District water system shall pay rates as are from time to time regularly adopted by the Board of Trustees.

Section 5-102. Construction Use. During the construction of any building and before any water is installed, as is herein provided, the contractor so constructing such building may be permitted to use the District water supply by making application therefor and paying a fee as prescribed by the Board of Trustees or by metering the amount consumed.

Section 5-103. Schedules. There are hereby established rates and charges for the use of and for the services supplied by the District water system, based upon the amount of water consumed as follows:

A. Rates:

1) Basic Residential/Commercial Monthly User Charge, per metered connection:

- \$18.00 minimum for the first 5,000 gallons used;

Rates per thousand gallons, as of the following dates, for water service in excess of the 5,000 included in the minimum monthly user charge:

- \$3.90 per 1,000 gallons from 5,001 – 8,000 gallons;
- \$4.30 per 1,000 gallons from 8,001 – 11,000 gallons;
- \$4.80 per 1,000 gallons for everything over 11,000 gallons

2) Local Governmental Monthly User Charge, per metered connection:

- No charge for the first 2,500 gallons used
- \$3.90 per 1,000 gallons from 2,501 – 8,000 gallons;
- \$4.30 per 1,000 gallons from 8,001 – 11,000 gallons;
- \$4.80 per 1,000 gallons for everything over 11,000 gallons

3) Industrial Monthly User Charge, per metered connection:

- \$36.00 minimum for the first 5,000 gallons used;

Rates per thousand gallons, as of the following dates, for water service in excess of the 5,000 included in the minimum monthly user charge:

- \$7.20 per 1,000 gallons from 5,001 – 8,000 gallons;
 - \$8.00 per 1,000 gallons from 8,001 – 11,000 gallons;
 - \$9.00 per 1,000 gallons for everything over 11,000 gallons
- 4) Bulk rate to fill water tanker (construction or similar uses):
- \$20.00 per 1,000 gallons

Water rates for out-of-district or bulk purchasers of the District's Water Service will be set by contract with the purchaser.

- B. Delinquent payment charges. When payment of a bill is not made within twenty-one (21) days from the first day of the month, there will be a charge of ten percent (10%) added to such bill.
- C. Multiple unit service connections. When more than one (1) dwelling unit or other users are served by a common meter, the District shall charge for all service recorded by the common meter and one bill shall be issued to the property owner.

The Godley Public Water District believes that increasing rates based on water usage promotes water conservation, especially important in times of limited water supplies or high treatment costs. Less water use means less wastewater. Increasing rates based on water usage allows the Godley Public Water District to provide a reasonable amount of water at a reasonable price and charges a premium for those using more.

Section 5-105. Joint and Several Liability of Owner, Occupant, etc. The owner of the premises, the occupant thereof, the user of water service, and their successors in interest and assigns shall be jointly and severally liable to pay for the service on such premises. The service shall be furnished to the premises by the District only upon the condition that the owner of the premises, occupant, user of the service, and their successors in interest and assigns shall be jointly and severally liable therefor to the District.

Section 5-106. Bills and Billing.

- A. Duty of Treasurer. It is hereby made the duty of the Treasurer to render bills for water service and all other charges in connection therewith and to collect all monies due thereon.
- B. Time. Bills shall be rendered monthly and shall be payable within twenty-one (21) days from first day of the month. Bills for water used shall be dated and sent out at such times as may be directed by the Board of Trustees.
- C. Delinquent accounts. All bills for water service not paid by the 21st day of the month shall be deemed delinquent. A 10% late fee will be added to the account. Failure to receive a bill does not exempt the consumer from delinquency charges. The District shall serve on either the owner, the occupant, the user, or any of them, a written final notice of such delinquency. If a delinquent bill is not paid within seven (7) days after the date of final notice, the water supply to the premises may be discontinued as hereinafter

provided. In addition, if a delinquent bill is not so paid after it is so deemed delinquent, whether or not the final notice herein provided has been served, payment is required for services rendered. The owner of record of the real estate, as referenced by the taxpayer's identification number, and the user will be served a termination notice. If payment is not received within seven (7) days thereafter, the water service may be discontinued as hereinafter provided.

- D. Returned Check Fee. Any person who delivers a check or other payment to the District that is returned to the District unpaid by the financial institution upon which it is drawn shall pay to the District, in addition to the amount already owed to the Department, a returned check of \$25.

State law reference: 810 ILCS 5/3-806

Section 5-107. Reading of Meters. The Treasurer shall use his/her best efforts to read or cause to be read every water meter used in the District at such times as are necessary that the bills may be sent out at the proper time. In the event the Treasurer is unable to have meters read monthly due to severe weather, etc., estimated billings may be sent out to continue billing on a timely basis.

Section 5-108. Shutting off Water on Failure to Pay.

- A. The water supply may be shut off from any premises for which the bill for water, administrative charges or fines imposed for non-compliance with the provisions of this Code, or any combination thereof, remains unpaid for a period of twenty (20) days after the date of the final notice. When shut off, water shall not be turned on except upon the payment of a fifty dollar (\$50.00) fee plus all past due bills and charges. A one hundred dollar (\$100.00) fee will be charged if water service needs to be restored after normal business hours. The Manager may accept less than all past due bills and charges if said lesser amount is paid in conjunction with the execution of a Hardship Payment Plan in conformance with the requirements for a hardship payment plan adopted by the Board of Trustees.
- B. The Treasurer or his/her designee shall mail a notice of termination to the customer prior to termination of service. Said notice of termination shall set forth the proposed date of termination and shall notify the customer that he has seven (7) days within which to challenge termination of service as being unjustified by written notice to the Treasurer.

Written request for hearing

- A. A challenge to the notice of termination shall be filed in writing with the General Manager. The Treasurer, upon receipt of said written challenge, shall schedule a hearing on the challenge. The Treasurer shall hold the hearing within seven (7) days of the filing of the challenge, and render a final decision thereon. The customer may be present at the hearing with counsel, may cross-examine witnesses, may offer witnesses and evidence and may present defenses to the termination. All testimony shall be taken under oath.
- B. In the event a decision to terminate service is rendered, the customer may appeal said decision to the Chairman or his designee. The appeal shall be filed in writing with the

General Manager within seven (7) days of the Treasurer's decision to the challenge, and shall state all bases for the appeal. The Chairman shall consider the appeal and the record of the hearing before the Treasurer and shall make a decision on the appeal within seven (7) days of the filing of the appeal. No hearing is required. The decision of the Chairman or his designee shall be final.

The Treasurer shall have the power to terminate service after compliance with the foregoing provisions of this Section.

| | | |
|--------|---|----------------------------------|
| Jan 1 | - | Bill Sent |
| Jan 21 | - | Bill Due |
| Feb 1 | - | Bill Sent |
| Feb 21 | - | Bill Due |
| Mar 1 | - | Bill Sent, 7 day shut off notice |
| Mar 8 | - | Shut off |

Section 5-109. Notice to District To Discontinue Service. Any user desiring to discontinue the District's services to his premises shall give notice of discontinuance in writing to the Treasurer. If such notice is not given, such user shall remain liable for services rendered by the District until such notice is received by the District.

Section 5-110. Charges where Meter Has Failed. Where a meter has failed to register or meter readings cannot be obtained, the quantity of water consumed for billing purposes will be based on an average of the prior six (6) months consumption and the condition of water service prevailing to the period in which the meter has failed to register.

Section 5-111. Leakage in Property Service Line after the Meter Box. The property owner is responsible for all costs associated with the maintenance, repair and/or replacement of the water service line from the property's meter box to the serviced building. No adjustment shall be made in any water bill to reduce the charge for water usage cause by leakage in a property's water service line running from the meter box to the serviced property, except as provided for in the District's Service Line Leaks Policy, Appendix B hereto.

Section 5-112. Revenues--Receipt and Disposition by Treasurer. The Treasurer shall receive all such revenues from the water system and all other funds and money incident to the operation of such systems and deposit such revenues in a separate fund designated as the "Water Fund of the Godley Public Water District". The Treasurer shall administer such funds in every respect in the manner provided by State law and District ordinance.

Article 2. Liens and Remedies
State law reference: 70 ILCS 3705/23f

Section 5-201. Liens; Charges To Be Liened; Filing; Notice. Charges for water service shall be a lien upon the premises. Whenever a bill for water service remains unpaid thirty (30) days after it has been rendered, the Treasurer may file with the Recorder of the County a statement of lien claim. This statement shall contain the legal description of the

premises served, the amount of the unpaid bill and a notice that the District claims a lien for this amount as well as the date when such amount became delinquent.

If the consumer of water whose bill is unpaid is not the owner of the premises and the Treasurer has notice of this, then notice shall be mailed to the owner of the premises, if his address is known, whenever such bills remain unpaid for a period of thirty (30) days after they have been rendered.

The failure of the Treasurer to record such lien claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid water service bills as mentioned in the following Section.

Section 5-202. Liens--Foreclosure. Property subject to a lien for unpaid water service charges shall be sold for nonpayment of such charges, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, including reasonable attorneys' fees, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the District.

The District's Attorney is hereby authorized and directed to institute such proceedings, in the name of the District, in any court having jurisdiction over such matters, against any property for which the water service bill has remained unpaid for forty (40) days after the billing date.

Section 5-203. Mandatory Meter Reading. It shall be mandatory that said meters be read at least once a year. All owners, residents and lessees of units shall allow access to District personnel for the purpose of obtaining an actual reading from the meters. If the owners, residents or lessees shall refuse such access, the water may be shut off as provided in Article I of this Chapter.

Prior to said shut-off, written notification shall be served upon said owners, residents or lessees, either by mail or personal service, affording the owners, residents or lessees a hearing.

Prior to turning the water back on, all costs and attorney fees incurred by the District shall be paid.

If said access is refused, the District may seek an order of court from a court of competent jurisdiction granting access to the premises.

Section 5-204. Remedies. The integrity and stability of any public water supply is a matter of public security and safety. In addition to the remedies provided herein for violations of the provisions of this chapter and any other remedies provided by law, the Water District may direct the District's Attorney to file suit to recover any and all costs or damages incurred by the Water District caused by any person, firm or corporation violating of any provision of this Code.

Appendix A

GODLEY PUBLIC WATER DISTRICT REGULATIONS ON CROSS-CONNECTION CONTROL

Section 1. Cross-Connection Control -- General Policy

A. Purpose. The purpose of these Rules and Regulations is:

1. To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.
2. To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.
3. To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

B. Application. These Rules and Regulations shall apply to all premises served by the public potable water supply system of the Godley Public Water District.

C. Policy. The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the District Engineer or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the District Engineer shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense. Failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in Section 5D(4) below for a period of at least five years.

Section 2. Definitions

A. The following definitions shall apply in the interpretation and enforcement of these regulations:

1. "Fixed proper air gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.
2. "Agency" means Illinois Environmental Protection Agency.
3. "Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.
4. "Auxiliary water system" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams, or process

fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

5. "Backflow" means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

6. "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

7. "Consumer" or "Customer" means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

8. "Consumer's water system" means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

9. "Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

10. "Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

11. Direct cross-connection means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

12. Indirect cross-connection means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

13. "Double check valve assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.

14. "Health hazard" means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

15. "Inspection" means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 III. Adm. Code 890.

16. "Non-potable water" means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 III. Adm. Code 604.

17. "Plumbing" means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in

water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.

18. "Pollution" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

19. "Potable water" means water which meets the requirements of 35 III. Adm. Code 604 for drinking, culinary, and domestic purposes.

20. "Potential Cross-Connection" means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

21. "Process fluid(s)" means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

- a. polluted or contaminated waters;
- b. process waters;
- c. used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- d. cooling waters;
- e. questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- f. chemicals in solution or suspension;
- g. oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

22. "Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

23. "Reduced pressure principle backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

24. "Service connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

25. "Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.
26. "System hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.
27. "Used water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.
28. "Water purveyor" means the owner or official custodian of a public water system.

Section 3. Water System

- A. The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.
- B. The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the District Engineer up to the point where the consumer's water system begins.
- C. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.
- D. The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.
- E. The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

Section 4. Cross-Connection Prohibited

- A. Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.
- B. No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.
- C. There shall be no arrangement or connection by which an unsafe substance may enter a supply.

Section 5. Survey and Investigations

- A. The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.
- B. On request by the District Engineer, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the District Engineer

for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

C. It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Ill. Rev. Stat. 1983, ch. 111, par. 1103(1).

D. It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

1. All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
2. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
3. Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a Cross-Connection Control Device Inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
4. Testing and Records
 - a. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
 - b. Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with 415 ILCS 5/4.
 - c. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
 - d. A maintenance log shall be maintained and include:
 - 1) Date of each test;
 - 2) Name and approval number of person performing the test;
 - 3) Test results;
 - 4) Repairs or servicing required;
 - 5) Repairs and date completed; and
 - 6) Servicing performed and date completed.

Section 6. Where Protection is Required.

A. An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890, and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the Superintendent of Water, actual or potential hazards to the public water supply system exist.

B. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

1. Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the District Engineer and the source is approved by the Illinois Environmental Protection Agency.
2. Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or

systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the District Engineer.

3. Premises having internal cross-connections that, in the judgment of the District Engineer and the Cross-Connection Control Device Inspector, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.

4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

5. Premises having a repeated history of cross-connections being established or re-established.

C. An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the District Engineer determines that no actual or potential hazard to the public water supply system exist:

1. Hospitals, mortuaries, clinics, nursing homes;
2. Laboratories
3. Piers, docks, waterfront facilities;
4. Sewage treatment plants, sewage pumping stations or storm water pumping stations;
5. Food or beverage processing plants;
6. Chemical plants;
7. Metal plating industries;
8. Petroleum processing or storage plants;
9. Radioactive material processing plants or nuclear reactors,
10. Car washes;
11. Pesticide or herbicide or extermination plants and truck;
12. Farm service and fertilizer plants and trucks.

Section 7. Type of Protection Required

A. The type of protection required under Sections 6.1, 6.2, and 6.3 of these regulations shall depend on the degree of hazard which exists as follows:

1. An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.

2. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.

3. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

B. The type of protection required under Section 6.4 of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

C. Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

1. the fire safety system contains antifreeze, fire retardant or other chemicals;
2. water is pumped into the system from another source; or
3. water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
4. there is a connection whereby another source can be connected to the sprinkler system.

D. All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines as described in Plumbing Code, 77 Ill. Adm. Code 890.

Section 8. Backflow Prevention Devices

A. All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

B. Installation of approved devices shall be made in accordance with 35 Ill. Adm. Code 653.802, and only as specified by the Research Foundation for Cross-Connection Control of the University of Southern California or applicable industry specifications. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

Section 9. Inspection and Maintenance

A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

1. Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter.
2. Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within fifteen (15) days.
3. Reduced pressure principle backflow prevention devices shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.

B. Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

C. Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

D. A maintenance log shall be maintained and include:

1. Date of each test or visual inspection;
2. Name and approval number of person performing the test or visual inspection;
3. Test results

4. Repairs or servicing required;
5. Repairs and date completed; and
6. Servicing performed and date completed.

E. Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.

F. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the District Engineer.

Section 10. Booster Pumps

A. Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

B. It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the District Engineer, at least once a year, that the device is operable.

Section 11. Violations

A. The District Engineer shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the District Engineer, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the District Engineer, and the required reconnection fee is paid.

C. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these Regulations to the satisfaction of the District Manager.

D. Neither the Godley Public Water District, District Manager, District Engineer, or the District's agents or assigns shall be liable to any customers of the Godley Public Water District for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

E. The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypasses, must bear the cost of clean-up of the potable water supply system.

F. Any person found to be violating any provision of these Regulations shall be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

G. Any person violating any of the provisions of these Regulations in addition to the fine provided, shall become liable to the Godley Public Water District for any expense, loss or damage occasioned by Water District by reason of such violations, whether the same was caused before or after notice.

Appendix B
Godley Public Water District Water Service Line Leaks Policy

It is the Customer's responsibility to properly maintain his or her water system. The Customer's water system includes all water and related facilities and appurtenances on the private property side of the water meter, including the service line and water fixtures (valves, toilets, faucets, etc). This responsibility includes the responsibility to promptly discover and repair leaks in the Customer's water system and to limit the amount of water loss through a leak. A leak in the property' water system is the sole responsibility of the Customer, and includes any leak caused by third parties such as contractors engaged in work on the property.

The Water District may, in its sole discretion, grant a credit, or adjustment, to a Customer's water bill for a leak in the Customer's water system, taking into account the following inclusive circumstances:

1. The Customer has repaired the leak within 30 days of being notified of the leak, or within 30 days of when the leak was discovered. Proof (written documentation) of repair of the leak, to the Water District's satisfaction, will be required within 30 days of the repair before a credit may be granted by the Water District. If the required paperwork is not received within this 30 day period, penalties on the water bill will accrue per the District's Code of Ordinances.
2. The customer is not in violation of any Water District ordinances or policies and is otherwise current in the Customer's obligations to the Water District.
3. A credit may only be applied to a maximum of two consecutive billing cycles. If a leak occurs over more than two billing cycles the credit will be applied to the two billing cycles with the most usage.

Once a Customer receives a credit or adjustment, the Customer may not be granted another credit or adjustment for two years.

If granted, the amount of any credit or adjustment will be computed as follows:

1. The excess usage is computed by determining the total amount of gallons used during the billing cycle(s) in which the leak originates and deducting the 2-year average of historic usage during that same billing cycle(s). If the customer has less than 2-years of history for that billing cycle(s), a shorter time frame may be used.
2. The excess usage amount is multiplied by the usage rate for the lowest consumption block in the Water District's rate structure. This computation gives the amount charged for the excess usage.
3. The charge for the average usage is computed
4. The excess usage charge is added to the average usage charge. This computation gives the total adjusted water charge.
5. The adjusted water bill charge is subtracted from the actual water bill charge to arrive at the allowable water leak credit.

The Manager may grant exceptions to this policy in unusual circumstances. Any Customer aggrieved by a decision of the Manager shall have the right to appeal the decision to the Board of Trustees. Such appeals shall be filed in writing within 10 days of the date of notification of the Manager's decision.