

CHAPTER 74

SANITARY SEWER SYSTEM

(Amended, Ordinance 2013-08)

1. **PROVISIONS GOVERN.** The provisions of this Chapter shall regulate, govern and control the installation, construction, repair or modification of sewer services in the City of Decatur, Illinois (City) and the connection and use thereof to sewers in the City, other than that done by the City through the City of Decatur employees or contractors thereof, and may be construed with, but take precedence over any other provision of Code or ordinance of the City except the provisions of City Chapters 37 and 38 to which the provisions hereof shall be subject.

2. **CONNECTION TO PUBLIC SEWER REQUIRED.** The owner of any structure used for human occupancy, employment, recreation, or that otherwise contains plumbing systems for conveying water borne waste, situated within the City and abutting on any street, road, easement or right-of-way in which there is now located or planned to be located a public sanitary sewer, excluding force mains, is hereby required to connect, at the owner's expense, any said plumbing facilities directly with the public sewer in accordance with the provisions of this Chapter within 90 days after date of official notice by the Public Works Director, provided that such public sewer is available. (Amended, Ordinance No. 2009-39, May 18, 2009)

A public sewer shall be deemed available when a public sanitary sewer is in place within any street, alley, right-of-way, or easement that adjoins or abuts a property on which the structure or the building setback line is within 300 feet of the public sewer and connection to the sewer is permitted by the controlling agency for the sewer.

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The building owner may request in writing to the Public Works Director, deferral of this connection requirement on the basis of undue hardship if the structure is separated from the public sewer by physical constraints that represent economic hardships and has an existing properly operating private wastewater disposal system, in which case the owner shall demonstrate the nature and degree of hardship. The need for the owner to pump to the public sewer shall not alone be considered a hardship. (Amended, Ordinance No. 2009-39)

3. **PERMIT REQUIRED.** No pipe, conduit, out-fall, sewer or drain shall be connected or reconnected with any existing sewer of the City, or any sewer under the jurisdiction, control or equitable ownership of the City, whether by maintenance contract, purchase agreement or otherwise, nor shall any such connection be repaired or modified unless and until a permit has been issued for the same by the City Public Works Department upon application furnishing such information in such form as may be required by the Public Works Director to enable the City to conveniently locate, inspect and make a record of such connection; to determine the mechanical sufficiency of said connection and the service proposed to be accomplished thereby; and, to otherwise carry out the work and duties of the various concerned departments of the City and serve the purposes and provisions of the ordinances, rules and regulations thereof.

(Amended, Ordinance No. 2009-39, May 18, 2009)

4. **APPLICATION FOR PERMIT.** Application for such permits shall be made upon forms furnished by the City and shall be accompanied by payment, or proof of payment, of any applicable connection charges established by said provisions, the payment of the established inspection fee for each such permit and applicable Sanitary District of Decatur annexation fees.

5. **ANNEXATION TO THE SANITARY DISTRICT OF DECATUR REQUIRED.** No person shall construct for connection, or connect any sewer, directly or indirectly, to a sewer

unless the property has been incorporated into the service area of the Sanitary District of Decatur. No permit for a connection, direct or indirect, will be issued by the Public Works Department until evidence in such form as required by the Public Works Director is provided verifying that the property applying for a connection is incorporated into the Sanitary District of Decatur service area and paid all charges and fees as maybe required by the Sanitary District of Decatur. (Amended, Ordinance No. 2009-39, May 18, 2009)

6. **CHARGE REQUIRED.** No such connection shall be made until all applicable fees or charges elsewhere provided by ordinance, along with a connection charge in an amount determined as provided in this Chapter, are paid.

7. **COMPUTATION OF CHARGE.** The amount of the connection charge shall be determined by the Public Works Department upon the following basis:

(a) If the sewer to which connection is to be made was constructed as part of a project of a special assessment district, and all the premises to be served by the connection were specially assessed for the construction of said project in the same manner and to the same extent as the remainder of said district, no additional connection charge will be required;

(b) If the sewer to which connection is to be made was constructed as part of a project of a special assessment district, and the premises to be served by the connection were either not assessed or were assessed to an extent less than other premises in the district which were fully assessed, the connection charge shall be the difference between the amount the premises were assessed, if any, and the amount the premises would have been assessed as a part of said district for a benefit equal to that provided by the connection to be made;

(c) If the sewer to which connection is to be made was not constructed as part of a project of a special assessment district, and evidence is submitted to show either that it was

agreed for adequate consideration by those who paid the cost of construction that no connection charge or contribution toward such cost would be required with regard to the premises to be served by such connection, or that contribution toward the cost of construction was made with regard to the premises to be served by such connection, no additional charge shall be required;

(d) If the sewer to which connection is to be made is not within the provisions of subsections (a), (b) or (c) of this section, the amount of the connection charge shall be determined by applying customarily accepted engineering concepts and practices to the facts concerning said connection which may include consideration of any or all of the following: the size, original cost, replacement cost or current value of the existing sewer; the type, quantity and quality of service or benefit provided by the existing sewer; the size of the sewer to be connected; the type, quantity and quality of the service or benefit to be provided by the sewer to be connected; the number, area, type and intensity of use of the premises served by the existing sewer and those to be served by the sewer to be connected; the availability and comparative cost of alternate means of providing service; and, such other and further considerations within customarily accepted practice as the Public Works Director shall reasonably deem pertinent.

(Amended, Ordinance No. 2009-39, May 18, 2009)

8. **INSTALLMENTS.** Any person who has a sewer available to his property or any person whose property is included in a sewer assessment district established after the effective date of the ordinance codified in this section, may, in either case, enter into a written installment contract with the City on a form approved by the Corporation Counsel and signed for by the City Public Works Director or his designate. Such contract shall include or incorporate the legal description of the property, be signed by the owner of the property and provide for the property owner to pay his connection charge as specified in the contract over a term not to exceed fifteen

(15) years in annual installments or as may be provided in the contract. Such contract shall provide for interest to be paid at a rate of the “Wall Street Journal Prime” on the date the contract is signed, plus one percent. Such interest shall be computed and compounded annually on the unpaid balance. The interest shall be the only compensation to the City for its administrative costs. Such contract shall be filed with the City Finance Director. Installments shall be paid as follows:

(a) No initial payment is required to accompany the application for connection.

(b) Equal, annual payments over the term of the contract together with interest on the unpaid balance computed and compounded annually with the first of the annual payments due one year from the date the contract is signed and each successive payment due one year from the previous payment until the full amount of the installment payment contract is paid in full. The interest rate shall be that established using the method described in this section.

(c) Upon the failure of any installment to be timely paid, the entire deferred balance plus interest shall become immediately due and payable. The connection fee shall be considered a debt of the owner of such lot, building or premises to the City of Decatur, and the City may file suit to collect the same in addition to the imposition of any fine or service shut off provided for elsewhere herein. (Amended, Ordinance No. 2011-07, February 7, 2011)

(d) The property owner may at any time pay off such contract without penalty and that upon any sale or transfer of ownership of the property the property owner may pay off such contract in full or transfer the contract to the new property owner; and,

(e) Upon full payment of the contract the Finance Director shall have cause to have mailed to such property owner notice that the contract is paid in full.

The provisions of this section are only to provide an alternative for eligible property owners and they may choose to pay such charge in full at the time of application.

(Amended, Ordinance No. 2009-39, May 18, 2009)

9. **SEWER USER CHARGE.** A sewer user charge is hereby established for the use of the sewerage system by each lot, building or premises having connection thereto, whether direct or by means of laterals or mains owned or controlled by others, to be paid by the owner of said lot, building, or premises at the rate and in the manner set out in this Chapter. For the purposes of this Chapter, “sewerage system” shall mean and include those collecting, intercepting and outlet sewers, lateral sewers, and drains, including combined storm water and sanitary drains, force mains, conduits, pumping stations, ejector stations and all other appurtenances, extensions and improvements used for the collection and disposal of sewage and industrial waste which are owned by, or are under the jurisdiction and control of, the City of Decatur. The sewer user charge shall be considered a debt of the owner of such lot, building or premises to the City of Decatur, and the City may file suit to collect the same in addition to the imposition of any fine or service shut off provided for elsewhere herein. (Amended, Ordinance No. 2011-07, February 7)

10. **RATE.** (A) The sewer user charge shall be set at the rate in Table 1 below per one hundred cubic feet of water used, except as expressly provided elsewhere in this section. Water use shall be determined as per the provisions of Chapter 64 of this City Code for those lots, buildings and premises which are furnished water by the City pursuant thereto, and as adjusted by Section 11.

Table 1

Billing Date	Sewer User Charge Rate
May 1, 2016 to April 30, 2017	\$0.94
May 1, 2017 to April 30, 2018	\$1.09
May 1, 2018 to April 30, 2019	\$1.24
May 1, 2019 to April 30, 2020	\$1.33
May 1, 2020 to April 30, 2021	\$1.42
May 1, 2021 to April 30, 2022	\$1.51
After May 1, 2022	Rates as provided in Section 10 (B).

(B) Effective May 1, 2022, and continuing annually on May 1 thereafter, Sewer User Charge Rates contained in this Chapter will increase by 2.5 percent or by the annual percentage change of the U.S. Department of Labor Midwest Urban Consumer Price Index for each corresponding January 1 to December 31 of the preceding year, whichever is greater.

(C) Water users with water provided by the City of Decatur and which suffer significant loss or evaporation of such water during the use thereof, upon a showing of same satisfactory to the Department of Public Works, may be billed for sanitary sewer user charge at a lesser total usage than that determined for purposes of said Chapter 64 and which lesser total reflects water lost to such use or evaporation. Any such reduction as provided for herein must be agreed to between the City and the user.

(D) The rate of the sewer user charge for those lots, buildings and premises which are not furnished water by the City of Decatur or any other Public Water Supply shall be at the rate set in Table 2 per month.

Table 2

Billing Date	Sewer User Charge Rate
May 1, 2016 to April 30, 2017	\$6.36
May 1, 2017 to April 30, 2018	\$7.37
May 1, 2018, to April 30, 2019	\$8.39
May 1, 2019 to April 30, 2020	\$9.00
May 1, 2020 to April 30, 2021	\$9.61
May 1, 2021 to April 30, 2022	\$10.22
After May 1, 2022	Rates as provided in Section 10 (B)

(E) Water users with water provided by any Public Water Supply other than the city of Decatur shall be billed at the rate set forth in Table 1 with water usage acquired from the local Public Water Supply.

(F) At the opinion of the owner of any lot, building or premises, with the approval of the City, the sewer user charge shall be set at the rate in Section 10 (A) per one hundred cubic feet of sanitary sewage or industrial waste entering the sewerage system. Said owner must install, at his or its own expense, a sewer meter approved by the City which accurately measures the sanitary sewage or industrial waste entering the sewerage system.

(Amended, Ordinance No. 2016-91, December 5, 2016)

(Amended, Ordinance No. 2011-07, February 7, 2011)

11. **PAYMENT.** (A) The sewer user charge shall be added to the municipal utilities bill sent by the City to the owner of each lot, building and premises in accordance with said Chapter 64, and said sewer user charge shall be separately denoted thereon, except as provided in subsection 12 (B) and 12 (C). Payment of the sewer user charge shall be due and payable at the same time as payment of the municipal utilities bill on which said sewer user charge appears, as

required by said chapter 64, and penalties and late charges for delinquent payments listed therein shall be fully applicable to delinquent payments of the sewer user charge.

(B) Owners of lots, buildings or premises not furnished water by the City {Section 10 (D)}, and those using sewage meters pursuant to Section 10 (F) will be billed separately for the sewer user charge. Timelines and late charges for payment as set out in said Chapter 64, and referred to in subparagraph (12A) shall be fully applicable thereto.

(C) Owners of lots, buildings or premises receiving water from another Public Water Supply {Section 10 (E)} will be billed separately for the sewer user charge or billed on the local Public Water Supply's Utility Bill. Timelines and late charges for payment as set out in said Chapter 64, and referred to in subparagraph (12A) shall be fully applicable thereto at the option of the other Public Water Supplier. (Amended, Ordinance No. 2011-14, March 7, 2011)

12. **SEPARATE FUND.** All receipts from the sewer user charge shall be placed in a separate fund and may be expended only for sanitary sewer construction, repair, maintenance, improvements and related items associated therewith, including but not limited to capital debt retirement, including interest, and engineering and legal costs, and other appropriate administrative charges. (Amended, Ordinance No. 2011-07, February 7, 2011)

13. **LIEN; SERVICE SHUT OFF.** Should any connection charge, or part thereof, not be timely paid as provided herein, in addition to any other remedy provided for in this Code, collection thereof may be had in any appropriate action in law or in equity, and said unpaid amount shall be a lien upon the premises served by said connection, and in addition thereto, upon such notice and in such time and manner as is provided elsewhere in this Code regarding charges for water service, or water main connection charges, shall be cause for the termination of sewer

service, or water service, or both, to said premises. All costs to restore a sewer and/or water service that has been terminated shall be at the expense of the owner.

14. **DISTRIBUTION OF CONNECTION CHARGES.** Upon recommendation of the Public Works Director, the Council may from time to time contract with others with regard to the extension of the sewer system, and may provide for the distribution, among those contributing to the cost of construction of a particular extension, of connection charges collected for connections to such extension upon such basis and in such proportions or amounts as the Council may direct.

(Amended, Ordinance No. 2009-39, May 18, 2009)

15. **METHOD OF CONNECTION.** A separate and independent building sewer shall be provided for every building; except as may be approved by the Public Works Director. Existing building sewers may be used in connection with new buildings only when they are determined by the Public Works Department to meet all current requirements of this Chapter and all applicable current laws and regulations. Existing building sewers shall, if requested by the Public Works Director, be inspected, tested and/or uncovered in order to determine whether or not the existing sewer meets all current standards. All costs for said work shall be at the expense of the owner of the sewer.

The connection of the building sewer into the public sewer shall be made at the “Y” or “T” branch, if such branch is available at a suitable location. If the public sewer is twelve inches in diameter or less, and no properly located “Y” or “T” branch is available a “Y” branch shall be installed at the location specified by the Public Works Director. Where the public sewer is greater than twelve inches in diameter, and no properly located “Y” or “T” branch is available, a neat hole may be cut into the public sewer and a saddle type “Y” connection or an “Insert-a-tee”

type fitting installed. Other special fittings may be used for the connection only when approved by the Public Works Director.

The invert of the building sewer at the point of connection to the public sewer shall be at a higher elevation than the invert of the public sewer at the point of connection. The building sewer connection to the public sewer shall be watertight.

All costs for connecting to the public sewer shall be at the expense of the owner of the connection. (Amended, Ordinance No. 2009-39, May 18, 2009)

16. BUILDING SEWER. The size and slope of the building sewer shall be subject to the approval of the Public Works Director, but in no event shall the diameter be less than 4 inches and installed at a slope to insure adequate velocity to be self cleaning. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe fittings, each fitting not to exceed a 45 degree bend. Cleanouts shall be installed at each change of direction which exceeds 45 degrees and at intervals of not more than 100 feet. Manholes may be used in lieu of cleanouts.

The building sewer shall be push-on or gasketed joint cast iron, ductile iron, or PVC pipe installed per the manufacturer's recommendation. PVC pipe shall be solid wall pipe with a minimum Standard Dimension Ratio (SDR) of 28. All joints shall be watertight.

Whenever possible, the depth of the building sewer shall be sufficient to afford protection from frost, when not possible, it shall be the owner's responsibility to protect the pipe from freezing.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted and discharged into the

building sewer by means subject to the review and approval by the Public Works Director. All required lifting devices shall be installed, owned and maintained by the owner of the property being served by said lifting devices.

All costs to install a building sewer shall be at the expense of the building sewer owner.

(Amended, Ordinance No. 2009-39, May 18, 2009)

17. **BUILDING SEWER INSPECTIONS AND TESTING REQUIRED.** No building sewer shall be buried or covered until the same has been inspected, tested and approved by the City and should any work be buried or covered without so being inspected, tested and approved, in addition to any cost or penalty provided herein, the cost of uncovering the same shall be borne by the owner of such service or the person or entity found to so have done, or both.

18. **BUILDING SEWER OWNERSHIP, MAINTENANCE AND REPAIR.** The ownership of the building sewer from the building's interior plumbing system to its point of connection to a public sewer is that of the property owner. The connection includes the tee, wye or other City approved connection to the public sewer. The property owner is responsible for the maintenance and repair of the building sewer. All costs and expenses incident to the installation, connection, repair and maintenance of the building sewer shall be the responsibility of the property owner.

The owner of any structure wherein the building sewer or a drainage system is damaged, decayed or in a state of disrepair to such an extent as to create a threat to the health, safety and welfare of the public may be ordered to repair the sewer or drain, as the case may be, within a reasonable time frame determined by the Public Works Director after due notice is served upon the owner or occupant of the premises, in person or by certified mail, return receipt requested. If

the threat persists and the owner has not repaired the defect at the expiration of time frame set by the Public Works Director, the Public Works Director is hereby authorized to repair the sewer or drain, as the case may be, forthwith, at the expense of the City and recoverable against the owner, his successors and assigns.

Repairs made pursuant to this section, upon filing a notice of lien with the recorder of the deeds of the county, shall constitute a lien in favor of the City against the premises on which the repairs were made.

Any such installation, maintenance and repair performed on the service connection in the public right-of-way shall be in conformance with provisions of City Chapter 37, Construction and Excavation in Streets. (Amended, Ordinance No. 2009-39, May 18, 2009)

19. EMERGENCY REPAIRS. The owner of any structure wherein the sewer or drainage system is damaged, decayed or in a state of disrepair to such an extent as to create a clear and present danger to the health, safety and welfare of the public may be ordered to repair the sewer or drain, as the case may be, within 24 hours after due notice is served upon the owner or occupant of the premises, in person or by certified mail, return receipt requested. If the danger persists and the owner has not repaired the defect at the expiration of 24 hours the Public Works Director is hereby authorized to repair the sewer or drain, as the case may be, forthwith, at the expense of the City and recoverable against the owner. Repairs made pursuant to this section shall constitute a lien in favor of the City against the premises on which the repairs were made.

(Amended, Ordinance No. 2009-39, May 18, 2009)

20. REINSPECTION OF BUILDING SEWERS. Notwithstanding any other provisions of this Chapter, the Public Works Director may direct that building sewers or building drains, or both, be inspected and tested by the City Building Inspection Division or by the Public

Works Department, or both, and the authority to either enforce the requirements of this Chapter and require compliance therewith shall be the same as if each were specifically mentioned where appropriate therein as to said sewers or drains.

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2009-39, May 18, 2009)

21. PROHIBITIONS AND LIMITATIONS ON USE OF THE PUBLIC SEWERS.

(a) Generally. No person(s) shall:

(1) Willfully or negligently obstruct access to, break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

(2) Make a connection to a sanitary sewer which will permit surface or storm water drainage into said sewer.

(3) Make connection of roof downspouts, exterior foundation drains, area way drains, or other sources of surface runoff or ground water to a building sewer, building drain or other pipe which in turn is connected directly or indirectly to a public separate or combined sanitary sewer.

(4) Make a connection to a surface or storm water drain or sewer which will permit sanitary sewage to be admitted into such surface or storm water drain or sewer.

(5) Make a connection to an existing combined sewer unless evidence satisfactory in the judgment of the Public Works Director is submitted to him to clearly show that the existing use thereof along with the additional use as a result of the proposed connection are less than sixty percent of the capacity of the existing sewer under all reasonable conditions,

and that there is no reasonably feasible alternative to provide service other than by the connection proposed.

(b) Prohibitions on wastewater discharges. No person shall discharge or deposit or cause or allow to be discharged or deposited into the sewer system:

(1) Any wastewater which may contain oil and grease concentrations or amounts from users violating Federal, State or Sanitary District of Decatur pretreatment standards or wastewater from users containing floatable oil, wax, fats or grease concentration of mineral origin of more than one hundred (100) milligrams per liter whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees at the point of discharge into the system.

(2) Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater system or to the operation of the system. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

(3) Any solid or viscous wastes which will or may cause or contribute to obstruction in the flow of wastewater in a sewer, or otherwise interfere with the proper operation of the wastewater system. Prohibited materials include, but are not limited to: grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, mud, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood,

plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, seafood processing by-products, and similar substances.

(4) Any wastewater which will cause corrosion, deterioration of the wastewater system, or constitute a hazard to equipment or humans. All wastes discharged to the wastewater system shall have a pH value of not less than 6.0 standard units. Prohibited materials include, but are not limited to: acids, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic products.

(5) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(6) Any waters or wastes containing chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Sanitary District of Decatur.

(7) Any noxious or malodorous solids, liquids, or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into the wastewater system for its operation, maintenance and repair.

(8) Any wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by Federal or State regulations and which will or may cause damage or hazards to the wastewater system or personnel operating the system.

(9) Unusual concentrations of inert suspended solids including, but not limited to, Fullers earth, lime slurries, and lime residues or of dissolved solids including, but not limited to, sodium chloride and sodium sulfate.

(10) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(11) Any waste containing detergents, surface active agents, or other substances, which may cause excessive foaming in the sewer or sewage treatment plant.

(12) Any wastewater containing Biological Oxygen Demand (BOD), total solids, or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant unless permitted by the Sanitary District of Decatur.

(13) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Sanitary District of Decatur as necessary, after treatment of the composite sewage to meet Federal and State requirements for such discharge to the receiving waters.

(14) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent violates its National Pollutant Discharge Elimination (NPDES) permit or the receiving water standards established by the Illinois Pollution Control Board (IPCB).

(15) Unusual volume of flow or concentration of wastes constituting a "slug" which is any discharge of water, sewage, or industrial waste which in concentration of any given

constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24 hour concentration or flows during normal operation.

(16) Any trucked or hauled pollutants, except at discharge points designated by the Sanitary District of Decatur.

(17) Any other substances prohibited by the Sanitary District of Decatur to its sewer system and sewage treatment plant.

(c) Septic tank and other holding tank wastewater discharges.

(1) No person owning vacuum or “septic tank” pump trucks or other liquid wastewater transport trucks shall discharge directly or indirectly such wastewater into a City of Decatur sewer system.

(2) No person shall discharge any other holding tank wastewater into a City of Decatur sewer system.

(Amended, Ordinance No. 2009-39, May 18, 2009)

22. **GREASE, OIL AND SAND TRAPS.** All establishments involved in the preparation of food for commercial purposes shall provide grease interceptors or traps.

(a) Grease, oil and sand interceptors or traps shall be provided at the cost of the owner when required by the City for the proper handling of liquid wastes containing grease in excessive amounts, sand and other harmful ingredients, except that such interceptors or traps will not be required for dwelling units.

(b) All interceptors or traps shall be of a type and capacity approved by the City Building Inspection Division and the Illinois Department of Public Health, all such devices shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be

constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gas tight, watertight, and equipped with easily removable covers.

(c) All grease, oil and sand interceptors or traps shall be serviced and emptied at the cost of the owner on a continuous basis to maintain their minimum design capacity and the continuous efficient operation at all times. No waste removed from the interceptors or traps shall be reintroduced into the sanitary sewer or back into the interceptor or trap, which will cause the interceptor's or trap's discharge to exceed sewer use ordinance limits. The owner shall be responsible for the sanitary disposal of such waste.

(d) The owner shall maintain written records of interceptor or trap maintenance and emptying interceptors and traps for the prior three years, or less, if the device is less than three years old. Said records shall be made available upon request by the Public Works Director or Building Inspection Manager.

(e) Approval of proposed facilities or equipment by the City Building Inspection Division, does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person, firm or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2009-39, May 18, 2009)

23. CONTROL OF PROHIBITED WASTES.

(a) If any waters or wastes are discharged or proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in

Section 22 of this Chapter, and/or, which are in violation of the standards for Pretreatment provided in Federal Rules and Regulations contained in 40 CFR Part 403, and any amendments thereto, and which in the judgment of the Public Works Director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Director shall insure that such discharges_which may be subject to the rules and regulations of the Sanitary District of Decatur for pretreatment are directed to the District for the District's regulatory control and compliance program.

(b) For any waters or wastes to be discharged or proposed to be discharged to the public sewers, which are not subject to the District's regulatory control, the Public Works Director may:

(1) Prohibit the discharge of such wastewater.

(2) Require a discharger to demonstrate to the satisfaction of the Public Works Director that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this Chapter.

(3) Require control over the quantities and rates of discharge, and/or;

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this ordinance. If the Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Public Works Director, and subject to the requirements of all application codes, ordinances, laws and the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued to the industry.

(5) Require pretreatment, including storage, facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate this Chapter. In instances where it is agreed that any waste will be accepted into the City facilities after receiving preliminary treatment, drawings and specifications showing all pertinent detail of the methods and construction proposed to accomplish the preliminary treatment shall be submitted to the Public Works Director for approval. Where preliminary treatment facilities are utilized prior to discharge to City facilities, they shall be subject to periodic inspection by the Public Works Director and shall be maintained in good operating condition. Access shall be provided for flow measurements and sampling wastes before they reach the City's sewer. Provision should be made to control the rate of discharge and also to completely shut off the discharge from pretreatment facilities if required.

(6) Require the owner of any property serviced by a building sewer carrying industrial wastes to install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Public Works Director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Public Works Director may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Public Works Director. Records of any such monitoring will be supplied by the Public Works Director to the District or the Illinois Environmental Protection Agency on request.

(7) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this ordinance.

(8) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

(9) Reporting of accidental discharge. If, for any reason, a user accidentally discharges prohibited materials or other wastes regulated by this Section, the user responsible for such discharge shall immediately notify the Public Works Director so that corrective action may be taken to protect the sewer system. In addition, a written report, addressed to the Public Works Director, detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge, and corrective action taken to prevent future discharges, shall be filed by the responsible facility within five (5) days of the occurrence of the violating discharge.

(10) Nothing in this section shall be construed as preventing any special agreement or arrangement between the City and any user of the sewer system whereby wastewater of unusual strength or character, but not detrimental to the function of the sewer system, is accepted into the system and specially treated subject to any payments or user charges as may be applicable.

(Amended, Ordinance No. 2011-07, February 22, 2011)

(Amended, Ordinance No. 2009-39, May 18, 2009)

24. **PRIVATE SEWAGE DISPOSAL SYSTEMS.** Where a public sewer is not accessible, all human wastes and domestic sewage shall be discharged in compliance with the Private Sewage Disposal Licensing Act of the State of Illinois and designed, constructed, operated and maintained in accordance with the Private Sewage Disposal Code promulgated by the Illinois Department of Public Health.

25. **PRIVATE SEWER SYSTEMS.** Private sewer systems are allowed only under unusual circumstances subject to the approval of the City Manager upon recommendation from the Public Works Director. A private sanitary sewer is a sewer that is owned by one or more individuals as opposed to a sewer owned and operated by the City or the Sanitary District of Decatur. Building sewers that serve more than one building and building sewers that serve only one building but traverse one or more lots other than the lot on which exists the building served shall be considered private sewers. Building sewers that serve only one building and do not traverse one or more lots other than the lot on which exists the building served shall not be considered private sanitary sewers. In cases where a private sewer system is appropriate, the owner or developer shall provide to the Public Works Director the following:

(a) Copies of all applicable permits issued by agencies regulating the construction, operation and maintenance of the private sewer system.

(b) Design plan and profile drawings of the proposed sewer system showing: pipe sizes, locations, slopes, inverts, and materials; ground elevations along the proposed sewer system; pump type and size specifications where applicable; alarm system specifications where applicable. Such plans shall be prepared and certified by a professional engineer licensed by the State of Illinois.

(c) Private maintenance agreement for the private sewer system to be recorded as a deed restriction for each property to be served by the private sewer system.

(d) Record plats of any private easements along which the private sewer system will run.

(e) Any other information required by the City in order to determine the necessity for, desirability of and adequacy of a proposed private sewer system.

(f) In reviewing the material submitted, the Public Works Director shall determine the following:

(1) That the design of the system is adequate and meets all code requirements.

(2) That the maintenance agreement clearly holds the City free from any maintenance responsibility for the private system and establishes clear responsibility for maintenance among the property owners involved.

(3) That the proposed system will not, in any way, impede the City's ability to provide sanitary sewer throughout the City.

(Amended, Ordinance No. 2009-39, May 18, 2009)

26. **PROHIBITED USE OF COMBINED SEWERS.** In those areas of the City served with combined sewers furnishing both sanitary and surface water drainage after a separate surface water drainage system has been provided therein to relieve such combined sewers from surcharge by surface water drainage, further induction and admission of surface water into such combined sewers shall cease and terminate. No downspout, roof or area drain which would induce or admit surface water therein shall be connected with any combined sewer in any area of the City wherein a separate surface water drainage system has been provided and made available.

27. **TERMINATION OF COMBINED SEWER CONNECTIONS.** Upon reasonable notice issued to the owner of record, or the person or entity in possession or control of premises, situated as set out in Section 27 hereof, of the provision and availability of surface drains, all connections, such as downspouts, roof or area drains, including or admitting surface water into a combined sewer shall be terminated at the expense of the owner. Such notice may be served personally, or by certified mail return receipt requested delivery restricted to addressee only, or by posting the same upon the premises whereat such a connection exists.

28. **NUISANCE.** Any connection as set out in Section 22 hereof remaining unterminated is a public nuisance which may be abated by suit otherwise.

29. **RULES AND REGULATIONS.** The Public Works Director shall be responsible for enforcing the provisions in this Chapter. He is also hereby authorized to promulgate such rules and regulations as may be necessary to supplement this Chapter for effective enforcement, provided that such rules and regulations shall not be valid until they have been filed in the office of the City Clerk for not less than ten (10) days before their respective effective dates.

(Amended, Ordinance No. 2009-39, May 18, 2009)

30. **ADMISSION TO PROPERTY.** Whenever it shall be necessary for the purposes of this Chapter, upon the presentation of credentials, the Public Works Director, or designee, may enter upon the property or premises at reasonable hours or at any hour in the case of an emergency for the purposes of inspection, observation, measurement, sampling, and inspecting and monitoring equipment or method, or any pretreatment facilities, or testing of any discharge of wastewater to the wastewater system. (Amended, Ordinance No. 2011-07, February 22, 2011)

31. **PENALTY.** It shall be unlawful to install, construct, repair or modify a sewer service, or connect the same to the City sewer system other than in conformity and compliance with the provisions hereof. Any person, firm or corporation who shall violate any of the provisions of this Chapter shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2011-75; Ordinance No. 2011-07)

32. **OTHER REMEDIES.** The provisions or imposition of the penalty aforesaid shall not preclude the institution of appropriate action to prevent, abate or stop acts, activities, work or maintenance of services or connections not in compliance with the provisions of this Chapter, including the disconnection of non-complying services from the City sewer system and the denial of access thereto until such compliance is attained. In addition to any other remedy that may be provided otherwise, the provisions of this Chapter may be enforced in any appropriate action, by injunction or otherwise, and any connection made or maintained in violation of the provisions of this Chapter or any other applicable ordinance, rule or regulation of the City may be corrected, abated or terminated and the cost thereof may be recovered from the person or persons who caused such connection so to be made or maintained, or from the owner of record of

the premises where the same occurred and shall be a lien upon said premises which lien may be foreclosed in the same manner as provided for mortgages.