

City of St. Charles, Illinois

Ordinance No. 1997-M-100

**An Ordinance Amending Title 13, "Public Utilities,"
Chapter 13.16, "Water," Sections 13.16.080, 13.16.110,
13.16.130, 13.16.140, 13.16.155, 13.16.205, 13.16.250,
13.16.315 and 13.16.340 of the St. Charles Municipal
Code**

**Adopted by the
City Council
of the
City of St. Charles
September 15, 1997**

**Published in pamphlet form by
authority of the City Council
of the city of St. Charles,
Kane and Du Page Counties,
Illinois, September 19, 1997**



City Clerk



DATE OF PUBLICATION 7/19/97
NEWSPAPER *Southwest Forum*

ORDINANCE NO. 1997-M- 100

REFER TO:	
MINUTES	7/27/97
PAGE	

AN ORDINANCE AMENDING TITLE 13, "PUBLIC UTILITIES," CHAPTER 13.16 "WATER," SECTIONS 13.16.080, 13.16.110, 13.16.130, 13.16.140, 13.16.155, 13.16.205, 13.16.250, 13.16.315, AND 13.16.340 OF THE ST. CHARLES MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. THAT TITLE 13, "Public Utilities," Chapter 13.16 "Water," of the St. Charles Municipal Code be and is hereby amended by deleting sections 13.16.080; 13.16.110; 13.16.130; 13.16.140; 13.16.155; 13.16.205, Subparagraphs D, E and F; 13.16.250; 13.16.315; 13.16.340; and substituting the following therefore:

"13.16.080 Penalty for violation of Sections 13.16.010 through 13.16.070
Any person, firm or corporation violating any provision of Sections 13.16.010 through 13.16.070 shall be fined not more than one thousand dollars (\$1000.00) for each offense, and reasonable attorney's fees, court costs, court reporter fees and other expenses of collection enforcement and/or litigation. Each day on which a violation occurs or continues shall be deemed a separate offense.

13.16.110 Service pipes - Maintenance

In the event a break or a leak develops in the water service pipe, the City shall be responsible for repair if such leak is located on the city's side of the stop box (between the center of the stop box and the main) and the customer shall be responsible for the repair of any leaks on the customer's side of the stop box (between the center of the stop box and the water meter location). In the event of a leak on the customer's side, if the customer refuses or fails to make necessary repairs, or in the case of an emergency as determined by the Director of Public Works where such opportunity is not feasible, and determined to be in the best interest of public health and safety, the City will make the necessary repairs at the expense of the customer. Failure of the customer to allow such repairs to be made shall be sufficient cause for discontinuance of service.

13.16.130 Service pipes - Shutoff boxes

Shutoff boxes or service boxes shall be placed on every domestic service pipe, and shall be located between the curblineline and the sidewalk line where practical, as determined by the City, but not located in driveways. Such boxes shall be so located that they are easily accessible and shall be protected from frost.

Individual service lines shall be installed at locations which require a unique fire suppression service line in addition to a domestic water service line. Fire suppression service lines shall have shutoff valves installed in accordance with Section 16.44.070 Subsection D.

13.16.140 Penalty for violation of Sections 13.16.090 through 13.16.135

Any person, firm or corporation violating any provision of Sections 13.16.090 through 13.16.135 shall be fined not more than one thousand dollars (\$1000.00) for each offense. Each day on which a violation occurs or continues shall be deemed a separate offense.

13.16.155 Meters - Temporary Hydrant

Availability. Temporary hydrant meters are available to all customers upon making formal application at the Finance Office and payment of an amount equal to the actual cost of meter, fittings, backflow prevention device, and wrench.

Acceptable use of temporary hydrant meters is for the supplying of water to: new construction, new landscaping, filling pools, or temporary hand car wash. Requests for meter uses other than stated above shall be reviewed and approved by the Meter Department Foreman or his Designee. Temporary hydrant meters shall be removed from hydrants daily. Under no circumstances, shall unattended hydrant meters be installed on hydrants overnight. Hydrant meters shall be removed when unattended.

13.16.205 Water Conservation

D. Restriction on Residential, Business and Industrial Uses. All residences, businesses and industries using city water shall be restricted in the use of the amount of water for the purposes described at Subsection C above as follows:

1. All properties with even-numbered street addresses may use water for the purpose set forth in Subsection C above only on even-numbered days of the month, and all properties with odd-numbered street addresses may use water for the purposes set forth in Subsection C above only on odd-numbered days of the month.
2. Restricted hours: Water from the city water distribution system may be used for the purposes set forth in Subsection C

above only between the hours of 6:00 a.m. and 9:00 a.m. and 6:00 p.m. to 9:00 p.m. Central Standard Time or Central Standard Daylight Savings Time, as the case may be.

3. Laying Sod Restricted:

- a. No person shall lay, cause to be laid, or permit to be laid, any sod in the city, except as permitted in the manner hereinafter set forth.
- b. Permit to lay sod: The Director of Public Works may issue permits for the laying of sod during the prohibited time period if he determines that the watering required for the care of such sod will not place an undue demand upon the city water distribution system based on the criteria hereinafter set forth. Such permit shall only be issued upon the application, (a copy of which is appended hereto) of the owner of record of the property where the sod is to be laid and the contractor who will cause the sod to be laid accompanied by a fee of Ten Dollars (\$10.00). The petition shall set forth the following items:

- i) The address and legal description of the property where the sod is to be laid.
- ii) The name and address of the owner of said property.
- iii) The name and address of the contractor.
- iv) The number of square feet of sod to be laid.
- v) The date or dates on which the sod is to be laid.
- vi) The source of water, other than the city water distribution system, which will be used for initial two week care and watering of such sod, the method by which such water will be transported to the site, the number of days during which such watering shall be done, and the amount of water, in gallons, to be so used.
- xii) The date or dates the property owner will commence using water from the city water distribution system for lawn sprinkling purposes and the amount of water, in gallons, which will be required at such time for the proper care of such sod in accordance with the restrictions set forth in this section.

- 4. No lawn sprinkling with any automatic device, including soaker hoses, sprinklers, automatic sprinkler system, or hand held hose. Water with a hand-held hose is permitted for flowers, gardens and shrubbery.

5. It shall be unlawful for any person to use water for such restricted purposes on days or at locations other than specified herein until such time as such restrictions are removed by the Director of Public Works, or in his absence, upon the order of the Mayor.
- E. Implementation of any or all of the restrictions and issuance of permits as described in this section will be at the direction of the Director of Public Works, or in his absence, upon the order of the Mayor, to the city clerk, or council, that an emergency exists. The finding of an emergency shall be based on standard engineering practice which shall include the following criteria:
1. Current water storage or anticipated water storage would be unable to meet a 4,000 gallon per minute fire flow for a duration of three hours.
 2. The amount of water being withdrawn from the public water supply over a 24-hour period surpasses the pumping capacity of the water supply system.
 3. Failure to maintain a minimum of 20 pounds per square inch pressure in the distribution system as required by Illinois Environmental Protection Agency Technical Policy Statements Section 653.117, which is hereby incorporated by reference and copies of which are on file in the office of the city clerk.
 4. Failure of a pumping unit which would limit the supply capacity of the water system.
- F. Penalties: Any person, firm or corporation who is found to have violated an order of the city council or who has failed to comply with any provision of this chapter and the orders, rules and regulations and permits issued hereunder, shall be fined in an amount not more than one thousand dollars (\$1000.00) for each offense. Each day on which a violation occurs or continues shall be deemed a separate offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation.

13.16.250 Penalty for violation of Sections 13.16.150 through 13.16.240

Any person, firm or corporation violating any provision of Sections 13.16.150 through 13.16.240 shall be fined not more than one thousand dollars (\$1000.00) for each offense and reasonable attorney's fees court costs, court reporter fees, and other expenses of collection, enforcement and/or litigation. Each day on which a violation occurs or continues shall be deemed a separate offense.

13.16.315 Variations

A. Application - Hearing.

1. Application.

- a. An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or commission of the city.
- b. An application for a variation is filed with the Director of Public Works. An application for a variation shall be on a form provided by the Director of Public Works and shall contain all information required on such form including the following:
 - i. Legal description of property for which a variation is required;
 - ii. The requested variation identified;
 - iii. The reasons which the applicant relies upon as justifying the requested variation;
 - iv. An eight and one-half inch by eleven inch sketch of the property showing all lot lines, existing and proposed structures and adjoining streets or uses and the distances between the structures and the lot line and the location of the proposed well.

2. Notice of Hearing. No variation shall be made by the city council, except after a public hearing before the city council of which there shall be a notice of the time and place of the hearing published at least once, no more than thirty days, nor less than fifteen days before the hearing in one or more newspapers published in the city.

3. Hearing. The city council shall hold a public hearing at which evidence in support of the variation must be presented by or on behalf of the applicant and any evidence presented by interested parties shall be heard. On the basis of evidence presented, the city council shall record their findings of fact, their decision, the vote of the members and the reasons for granting or denying the variation.

B. Requirements for granting and conditions of a variance.

1. No variance shall be granted unless the applicant for the variance can demonstrate that:
 - a. An exceptional economic hardship would result without the variance.
 - b. The relief granted is the minimum necessary.
 - c. There will be no additional threat to public safety or creation of a nuisance.
 - d. No additional public expense will result.

- e. The property in question cannot yield a reasonable return if permitted to be used only under the condition allowed by the regulations governing the district in which it is located.
 - f. The plight of the owner is due to unique circumstances.
 - g. The variation, if granted, will not alter the essential character of the locality.
2. The applicant shall connect to the city public water supply within three months after a water supply main becomes available for a service connection to be made. Upon connection, the private well shall be disconnected from the building so as to not constitute a cross connection to the city public water supply system. The Director of Public Works or his designee shall inspect and insure that no cross connection exists between private wells and the city public water supply system before the water service from the city public water supply is turned on.
 3. The city council may hear and grant a request to allow a private well to remain in service for purposes of a private use provided said private well is not in any manner cross connected to the city public water supply system and does not interfere with existing city wells. If the private well is abandoned, it shall be capped in accordance with Section 13.16.320 of this chapter. For purposes of maintaining a private well in service an application shall be filed in writing with the Public Works Director and a public hearing scheduled in accordance with the procedures of Paragraph A above prior to the granting of such variation.
 4. Upon the granting of a variance by the city council, the Director of Public Works shall issue a written permit to the owner of the private well. The permit shall remain effective for five (5) years and list all critical information pertaining to said well including any requirements in connection therewith. After five (5) years the permit shall terminate unless renewed after submission of a written request by the owner to the Director of Public Works and a public hearing in accordance with the procedures for granting the original variance.
 5. No variance shall be granted unless it shall include findings of fact and include a finding that the private well will not interfere with the operation of existing municipal wells and will not cause a cross connection to the city public water supply system.

13.16.340 Penalties and Costs

Any person, firm or corporation who is found to have violated an order of the city council or who has failed to comply with any provision of this chapter and the order, rules and regulations and permits issued hereunder, shall be fined in an amount not more than one thousand dollars (\$1000.00). For the purpose of this section, each day in which any such violation shall occur or continue, shall be deemed a separate violation. For each separate violation, each such person, firm or corporation shall be fined an amount not to exceed one thousand dollars (\$1000.00). In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporter fees and other expenses of collection, enforcement and/or litigation.

ST. CHARLES SOD LAYING PERMIT APPLICATION

The following application requests a variance from Ordinance 13.16.205 to allow the laying of sod. In order to receive approval of the variance ALL questions must be answered very specifically. Failure to complete any of the blanks will result on a delay in the issuance of this permit. A \$10.00 fee is required for each application.

1. Location of the property being sodded:
Street Address: _____
Legal description (Lot & Block) _____
2. Name and address of the owner of the property listed above:
Name: _____
Address: _____
3. Information concerning the contractor laying the sod:
Name: _____ Phone: _____
Address: _____
4. Number of square feet of lawn to be sodded: _____
5. Date(s) on which sod is to be laid (Be as specific as possible): _____
6. Identify the source of water, and the method by which the water will be transported to the site for the initial two week care of the sod. If this source is pond or stream, identify specifically where the water will come from, and attach a letter of permission from the owner of the pond. Water cannot be taken from the City's water distribution system for two weeks after sod is laid.

Source of water: _____

Approx. amount of water (in gallons) to be used per week: _____

7. The date the property owner will commence using water from the City for lawn sprinkling purposes and the amount of water, in gallons which will be required for proper care in accordance with the restrictions set forth in this section.

Date _____ Approx. Amount of Water (in gallons) per week _____

The following signatures must be obtained before this application will be processed.

 Property Owner Date Sod Contractor Date

FOR OFFICE USE ONLY

Director of Public Works
or his/her Designee _____ Date: _____ "

2. That after the adoption and approval hereof, this Ordinance shall (a) be printed or published in book or pamphlet form, published by the authority of the City Council, or (b) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, the 15th day of September, 1997.

PASSED BY THE City Council of the City of St. Charles, Illinois, the 15th day of September, 1997.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 15th day of September, 1997.


MAYOR

ATTEST:


CITY CLERK

COUNCIL VOTE:

Ayes: 12
Nays: 0
Absent: 0



State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, KRISTIE A. DARULA, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

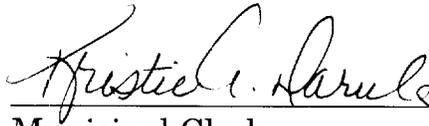
I further certify that on September 15, 1997, the Corporate Authorities of such municipality passed and approved Ordinance No. 1997-M-100, entitled

"An Ordinance Amending Title 13, "Public Utilities,"
Chapter 13.16, "Water," Sections 13.16.080, 13.16.110,
13.16.130, 13.16.140, 13.16.155, 13.16.205, 13.16.250,
13.16.315 and 13.16.340 of the St. Charles
Municipal Code",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1997-M-100, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on September 19, 1997, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 23rd day of September, 1997.



Municipal Clerk

