

CHAPTER 64

WATER SERVICE

1. **DEFINITIONS.** For the purposes of this Chapter, unless context clearly indicates otherwise, the following definitions shall apply in the interpretation and enforcement of this Chapter.

A. Administrator: The Administrator of the U.S. Environmental Protection Agency.

B. Applicant: The person(s), business or corporation applying for a permit or for water service.

C. Charges for Utility Services: Include charges appearing on the City Utility bill including water service fees, Sanitary District fees, sanitary sewer fees, recycling fees, storm water utility fees, and water meter damage fees, reconnection fees and other associated and related fees.

D. City: The City of Decatur, an Illinois Municipal Corporation

E. Commercial Service: All water service other than residential water service or industrial water service.

F. Customer: The owner(s) of the premises to which water service is provided, or the owner(s) and owner authorized occupant(s) or person(s) in possession or control of such premises jointly and severally. Whenever an occupant or person in possession or control of premises is a customer, they are presumed to be authorized by the owner to obligate owner for the payment of the water service bill jointly and severally with such occupant or person in possession or control of premises.

Revised April 2023

G. Disconnect: To stop the supply of water to a customer.

H. Federal Act: The Federal 1996 Safe Drinking Water Acts Amendments.

I. Industrial Service: Water services to which more than one million (1,000,000) gallons or 133,680.55 cubic feet per day are furnished, averaged over the one year period immediately preceding the effective billing date.

J. Monthly: A period of twenty-eight, twenty-nine, thirty, or thirty-one days as the case may be, whether the same commences or ends on the first day of a calendar month or otherwise.

K. Owner: The person(s) having an ownership interest alone, or jointly or severally with others in premises connected to the public water system by being (1) the legal title holder or holders to the premises or dwelling units, with or without accompanying actual possession thereof; (2) the beneficial owner(s) of an Illinois Land Trust if legal title is held by such a trust; (3) the purchaser under a real estate installment sales contract; (4) any person serving as executor, administrator, trustee, or guardian of an estate if legal title is held by the estate; or (5) any person, including the agent of the legal title holder, who is authorized or entitled to control, manage or dispose of any premises.

L. Premise: The property, dwelling, dwelling unit, lot, building or a part of a building or any other parcel or tract of land to which the City provides water service. Any property, dwelling, dwelling unit, lot, building or part of a building or any other parcel or tract of land which has its own water service connection and/or water meter shall be considered a separate premise for purposes of this definition.

M. Residential Service: Water services from the water system to a single-family residence or a two-family residence.

N. State Act: The Illinois Anti-Pollution Bond Act and for making such loans as filed with the Illinois Secretary of State.

O. Utility Bill: The amounts charged by the City for the use of water, Sanitary District, sewer user fee, storm water utility, recycling, water meter damage fees, reconnection fees and other associated and related fees as set forth in the City Code.

P. Water Fund: The principal accounting designation of all revenues received in the operation of the water system.

Q. Water Service: The pipeline providing water from the water system of the City to customer premises.

R. Water Service Line: The necessary tap, pipe, stop boxes, test plugs, stop cocks, hydrants, bypasses, meters, fixtures and appurtenances between the City water main and the discharge side of the water meter. Unmetered service lines for fire protection purposes shall be considered water service lines for the entire length thereof.

S. Public Water System: The water main pipes, pumps valves, hydrants and necessary components that deliver potable water to the public. (Amended, Ordinance, No. 2023-20, April 3, 2023) (Amended, Ordinance No. 2001-17, March 19, 2001)

2. **WATER FURNISHED**. Water service shall be furnished by the City only in compliance with, and subject to, the provisions of this Chapter and other applicable provisions and ordinances of the City and rules, regulations, and directives authorized thereby, and then only upon application for the same made and approved by the City upon forms furnished by the City. (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance No. 2009-39) Amended, Ordinance No. 2005-112)

3. **CUSTOMER RESPONSIBILITY.** The customer shall be responsible for the payment of all charges for utility service thereto and said customer shall accept and abide by all of the provisions of this Code, or of other ordinances, rules, regulations, and directives of the City applicable to utility service. The owner shall also meet all applicable requirements of the State of Illinois including but not limited to those contained in the EPA Rules for Public Water Supplies (Title 35 of the Illinois Administrative Code Part 651 through 654) and the Illinois Plumbing Code (Title 77 of the Illinois Administrative Code Part 890). (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance No. 2005-112, December 19, 2005)

4. **APPLICATION FOR WATER SERVICE.** Effective September 1, 2023, every customer applying for water service shall file an application on forms provided by the City Finance Department. There shall be separate application filed for each premise for which a customer desires water service. New applications shall be required for any changes in owner(s) or occupant(s) or person(s) in possession or control of such premises. Applications shall be required regardless of whether the City already provides water service to a premise and regardless of whether the customer has an application on file or is a customer for a different premise. Applications for premises that are not owner occupied shall require authorization of both the owner and occupant(s) or person(s) in possession or control of such premises. Failure to file an application and/or provide all of the information requested shall be cause for the City to deny water service and disconnect same. (Amended, Ordinance No. 2023-20, April 3, 2023)

5. **INELIGIBILITY.** No person shall be eligible for water service for any use whatsoever if that person, at the time of application, has any outstanding indebtedness to the City for past utility bill. (Amended, Ordinance No. 2023-20, April 3, 2023)

6. **DEPOSIT.**

A. Effective October 1, 2023, those customers with existing residential water service that have had a utility service disconnected two (2) or more times in a twelve (12) month period shall be required to pay a One Hundred Dollar (\$100.00) deposit to the City in addition to all past due water service bill amounts and service reconnection charge to resume water service to premises.

B. Deposits for water service shall be retained by the City to ensure payment of final water service bills only. Unpaid monthly water service bills shall be considered delinquent. While the deposit is retained by the City, the customer shall not be entitled to interest on the deposit regardless of time held by the City.

C. When water service to the customer is discontinued permanently, the deposit shall be refunded to customer without interest less any amount still due the City for the utility bill. In the event customer is owner and occupant(s) or person(s) in possession or control of premises, City will make reasonable attempts to refund any remaining deposit to the person or entity receiving the utility bill at the last known address through the U.S. Mail Service of any portion of deposit available for refund.

D. Upon receipt of the deposits required by this Section, the customer shall be issued a receipt in the amount of the deposit received.

E. Deposits made by occupant(s) or person(s) in possession or control of such premises shall be presumed to be made by the owners and occupant or person in possession or control of such premises jointly and severally. (Amended, Ordinance No. 2023-20, April 3, 2023)

7. **LIABILITY OF CITY.** The City shall not be liable for or on account of the interruption, for any reason whatsoever, of water service to any water user or other person or

entity, and the officers or employees of the City shall not be liable for or on account of the interruption, for any reason whatsoever, of water service to any such user or other person or entity, except for the intentional or will full misconduct of such officer or such employee.

8. **WATER METERS.** Water furnished from the water system of the City shall be measured by meters tested and approved by the Public Works Department and furnished by the water user, which Department shall repair or replace all meters in services of one inch or smaller. Meters in services larger than one inch shall be tested, repaired or replaced in accordance with rules and regulations promulgated by the City Manager. Said rules may provide for the frequency of testing or inspection and the manner thereof; the cost or expense or charges for testing, inspection, repair or replacement and the allocation thereof, the place of such operations and the responsibility for production of meters thereat, or of testing or repair equipment at meter sites; the limitation of the makes of meters to specific manufacturers which may be placed in service; the establishment of reasonable time limits for, and procedures to, carry out the mechanics of such testing, inspection, repair and replacement and the administration thereof. (Amended, Ordinance No. 2017-08, February 6, 2017) (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2000-63, July 17, 2000) (Amended, Ordinance No. 90-35, March 19, 1990)

9. **WATER SERVICE LINE.** The water service line shall be originally supplied by the owner of the premise served thereby. The City shall maintain and keep in repair residential water service lines from the City main to the discharge side of the curb stop. The owner of the premise served thereby shall maintain and keep in repair residential service lines from the discharge side of the curb stop to the intake side of the water meter, and keep in repair unmetered services lines, commercial service lines and industrial service lines from the tap at

the City mains to the discharge side of the water meter, subject to the other provisions of this Chapter. If repairs to a water service line become necessary in the judgment of City Personnel, the City may cause such repairs to be made, and if the same would otherwise be the responsibility of said owner of the premise, the cost thereof may be added to the water bill for that service. Not more than one lot or parcel of ground shall be served by each service line, except as provided elsewhere herein, and whenever a lot or parcel of ground being served by a service line is divided into separate ownership, water service after such division shall be provided by a separate service line for each of the respective parts thereof. Where two or more single-family residence buildings or two-family residence buildings having water service of the residential classification are located on one lot or parcel of ground, a separate water service line shall be provided for each such building whether the same are owned by one person or entity or otherwise. (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2005-112, December 19, 2005) (Amended, Ordinance No. 90-12, January 29, 1990)

10. **COMMERCIAL SERVICE LINE.** Water service classified as commercial service will be supplied through a single service line to each building situated on one lot or parcel of ground or on contiguous lots or parcels of ground under single ownership and the water furnished thereto will be measured by a single meter for each service line. The owner may request in writing to the Public Works Director that more than one service line or more than one meter be utilized to furnish the water service in this section. The director shall approve or deny such requests in writing to the owner prior to service line installation. The intervening of a street, alley, or public easement or way between such lots or parcels of ground under single ownership shall be ignored in determining the contiguity thereof. In the event

any part of such lot or parcel, or such contiguous lots or parcels, is separate service lines and meters. (Amended, Ordinance No. 2017-08, February 6, 2017) (Amended, Ordinance No. 2055-112, December 19, 2005) (Amended, Ordinance No. 2000-63, July 17, 2000) (Amended, Ordinance No. 90-35, March 19, 1990)

11. **WATER METER INSTALLATION AND MAINTENANCE.** All existing and newly installed water meters shall be located or relocated, at the expense of the owner of the premises served, so as, in the determination of the Public Works Director, to control the entire supply of water to the premises and in a clean, dry safe place so that the meter or meters not be subject to great temperature variance and be properly protected from freezing and other hazards, and be easily accessible for installation, maintenance, reading, and replacement. All meters shall at the time of installation be equipped with a device, approved by said director, which will permit said meter to be read without entry into the building or other enclosure wherein the meter is located, said device being known as a communication module. After original installation, the City shall test, inspect, repair, or replace water meters and communication modules as needed. The City may charge the owner of the premises served for service and/or replacement costs for water meters and accessories that are damaged due to improper protection from freezing and other hazards by said owner. (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance No. 2017-08, February 6, 2017) (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2005-112, December 19, 2005) (Amended, Ordinance No. 2000-63, July 17, 2000) (Amended, Ordinance No. 90-35, March 19, 1990)

12. **ESTIMATED BILLING.** If at any time a meter shall fail to accurately measure and register the amount of water passing through the same, or the meter is not read by the City

due to labor shortage, equipment failure, inclement weather, or other unforeseen circumstances, the quantity of water used may be estimated as an amount equal to the amount property and correctly registered during a previous reading period determined by the City to be a period of substantially similar water usage. (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance No. 2005-112)

13. **CLASSIFICATION OF WATER SERVICES.** Water services from the water system of the City are hereby classified as residential monthly services, commercial monthly services, and industrial monthly services. Classifications shall be assigned at the determination of the Public Works Director. If there is insufficient actual measurement of water furnished to determine the average use as aforesaid, classification pending determination based on actual use, may be made on the basis of reasonable estimate. (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance No. 2017-08, February 6, 2017) (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2005-112, December 19, 2005) (Amended, Ordinance No. 200-63, July 17, 2000) (Amended, Ordinance No. 98-55, August 31, 1998) (Amended, Ordinance No. 90-35, March 19, 1990)

14. **WATER CHARGES.** The water charges shall be based upon the classification of service, the meter size and the quantity of water furnished monthly as follows:

<u>METER CHARGE</u>	5/1/22	5/1/23
RESIDENTIAL SERVICE:	\$4.38	\$4.64
<u>Meter Size</u>	<u>Monthly – Per Meter</u>	
5/8” – 3/4”	\$11.87	\$12.58
1” – 1 1/4” – 1 1/2”	\$43.84	\$46.47
2” – 3” – 4”	\$154.65	\$163.93
6” – 7” – 8” – 10” – 12”	\$721.81	\$765.12
14” – 16” – 18”	\$2964.56	\$3,142.43

QUANTITY CHARGE

5/1/2022

5/1/2023

RESIDENTIAL AND COMMERCIAL SERVICE:

<u>Cubic Feet Monthly</u>		<u>Charge Per 100 Cubic Feet</u>	
First	700	\$5.41	\$5.73
Next	1,500	\$4.92	\$5.22
Next	12,900	\$4.39	\$4.65
Next	18,300	\$3.52	\$3.73
Next	133,300	\$2.76	\$2.93
Next	833,300	\$2.62	\$2.78
Next	1,000,000	\$2.19	\$2.32
All Over	2,000,000	\$1.53	\$1.62

INDUSTRIAL SERVICE:

<u>Cubic Feet Monthly</u>		<u>Charge Per 100 Cubic Feet</u>	
First	700	\$8.31	\$8.81
Next	1,500	\$7.53	\$7.98
Next	12,900	\$6.69	\$7.09
Next	18,300	\$5.39	\$5.71
Next	133,300	\$4.26	\$4.52
Next	833,300	\$3.97	\$4.21
Next	1,000,000	\$3.33	\$3.53
All Over	2,000,000	\$2.37	\$2.51

The monthly charge shall consist of the meter charge plus the quantity charge rounded to the nearest whole one cent.

The meter charge shall accrue for each monthly period during which water service is available and has not been shut off without regard to whether water service is furnished through the same.

Effective May 1, 2016, and continuing annually on May 1 thereafter, all water meter, water quantity, fire hydrant and water station charges 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 time period, whichever is greater except for year 2023 for which the increase will be 2.5 percent. The City Council must

authorize any annual increase that is 5.0 percent or higher. (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance No. 2022-12, April 4, 2022) (Amended, Ordinance No. 2013-33, April 15, 2013) (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended Ordinance No. 2008-42, June 16, 2008) (Amended, Ordinance No. 2005-112, December 19, 2005) (Amended, Ordinance No. 98-55, August 31, 1998) (Amended, Ordinance No. 93-28, May 17, 1993) (Amended, Ordinance No. 89-05, January 17, 1989)

15. **NOT FOR PROFIT INSTITUTIONS.** Water service to public and semi-public entities, organizations and institutions not operated for profit including, but not limited to, religious, educational, eleemosynary, philanthropic and other similar entities or organizations with U.S. Internal Revenue Code Section 501(c)(3) recognition of exemption from federal income taxation may be, as determined by the Public Works Director, classified as residential for meter charges only in accordance with such classification. Water quantity charge classifications for not for profit institutions are not affected by this section. (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance No. 2017-08, February 6, 2017) (Amended, ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2005-112, December 19, 2005) (Amended, Ordinance No. 2000-63, July 17, 2000) (Amended, Ordinance No. 90-35, March 19, 1990)

16. **SERVICE OUTSIDE OF CORPORATE LIMITS.** Water may be furnished through services situated outside the corporate limits of the City only upon express agreement approved by the Council, and then only upon charges two times the charges for water furnished water services of the same classification situated within the corporate limits of the City.

17. **REGULAR BILLING.** The Public Works Department, upon such schedule as shall be determined by the Director thereof, shall cause each water meter to be read regularly each classification period applicable to each meter and shall promptly return such readings to the

Department of Finance. The Department of finance shall compute the appropriate charges for water furnished in accordance with this ordinance and shall bill for the same. The water services bill shall set forth the period during which the charges shown thereon accrued, the amount of the service charge, the amount of the water-furnished charge, the amount of water furnished, the due date of payment and any other charges connected with such service including the amount and the reason for same. (Amended, Ordinance No. 2017-08, February 6, 2017) (Amended, Ordinance No. 2000-63, July 17, 2000) (Amended, Ordinance No. 90-35, March 19, 1990)

18. **SPECIAL METER READING.** In the event a meter is not functioning correctly or not accessible to be read at the time usually scheduled for such reading so that the same is not read, charges may be based on an amount of water estimated to have been furnished through said meter determined in the same manner as provided in Section 12 hereof. Not more than two (2) bills based on an estimate shall be permitted in a twelve (12) month period. It shall be the duty of the customer to arrange with the Public Works Department for a special time at which the meter will be accessible for such purpose at the usually scheduled time for such reading for the billing period succeeding the estimated bill. A fee of Fifty Dollars (\$50.00) shall be charged for each special reading requested to be made during regular departmental working hours and a fee of One Hundred Dollars (\$100.00) for each special reading requested to be made during a time other than departmental working hours. Failure to cause the required reading to be timely made shall be a delinquency and shall result in the same penalty and admit of the same notice consequences as late payment as elsewhere provided herein. (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance 2017-08, February 16, 2017) (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2005-112, December 19, 2005) (Amended, Ordinance No. 2000-63, July 17, 2000) (Amended, Ordinance No. 90-35, March 19, 1990)

19. **ACTIVATION OF SERVICE.** The Public Works Department shall initially activate a new service, or restore service upon customer request during usual business hours, at no cost to the customer for the initial service call. Each additional service call made by the City after the initial call will be charged to the customer as Fifty Dollars (\$50.00) fee. If the customer request is for a time other than the usual business hours of the Department, a fee of One Hundred Dollars (\$100.00) shall be charged for each service call, which said fee may be waived under circumstance(s) which in the opinion of the Public Works Director constitute an emergency. (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance 2017-08, February 16, 2017) (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2005-112, December 19, 2005) (Amended, Ordinance No. 2000-63, July 17, 2000) (Amended, Ordinance No. 90-35, March 19, 1990)

20. **PAYMENT FOR CHARGES.** Charges for water furnished from the City water system and other charges relating to water service shall be payable at the office of the City Treasurer and shall not be considered paid until payment is actually received in said office. The failure to receive a bill for charges for any particular period or periods shall not affect liability to pay such charges when due or excuse the accrual of penalty for delinquent payment or non-payment.

21. **DELINQUENT PAYMENTS.** Water service bills including charges for water furnished and other charges relating to such services, for all routes at least partially comprised of residential customers, shall be due and payable on or before the 21st day following the day on which the same are billed. Water service bills including charges for water furnished and other charges relating to such services, for all other routes, shall be due and payable on or before the 14th day following the day on which the same are billed. Water service bills paid after the applicable due date shall have added thereto a late payment charge of Five Percent (5%) of said charges. On

the next business day after the due date aforesaid, the Finance Department shall cause a delinquency notice to be sent or given the person or entity named upon any past due bill. Such delinquent notice shall set out that water service which is the subject of such delinquency shall be shut off after the 14th day. Delinquent charges for furnishing water, and delinquent other charges relating to any water service or the water service bill, shall be a lien upon the premises served. (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2005-112, December 19, 2005)

22. **SERVICE SHUT OFF.** Unless all charges for water furnished and any other charges relating to a water service or the water service bill are paid on or before 14 days after the date of a delinquency notice relating thereto, the Public Works Department shall cause such service to be shut off and water shall not be furnished through such service until such time as any and all such charges and penalties are fully paid. In addition to such charges, a fee for restoring the furnishing of water in such service shall be paid in advance which said fee shall be Fifty Dollars (\$50.00) if restoration of service is requested to be made during the usual business hours of the Public Works Department or One Hundred Dollars (\$100.00) if such restoration of service is requested to be made at hours other than usual departmental business hours. If the customer requires more than one service call for the services stated in this section, the customer will be charged on their next bill for each separate service call made by the City. (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance 2017-08, February 16, 2017) (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2005-112, December 19, 2005) (Amended, Ordinance No. 2000-63, July 17, 2000) (Amended, Ordinance No. 90-35, March 19, 1990)

23. **WATER FROM HYDRANT.** After issuance of a permit, water may be furnished through a City fire hydrant in circumstances wherein, in the opinion of the Director of Public Works Department, such furnishing by other means is not practicable. Application for such permit shall be upon forms furnished by said Department which shall show the name of the applicant; the location of the hydrant to be used; the circumstances requiring such permit; the purpose for, and the location at, which the water is to be used; the estimated amount of water to be furnished; the estimated duration of hydrant use; and such other pertinent information as said Director may deem appropriate. Such application shall be accompanied with a deposit of cash, bank draft or certified check in the amount of One Hundred Dollars (\$100.00). Quantities and service sizes shall be determined either by estimates fixed by the Director or by temporary installation of a meter. If a hydrant location requires additional City services or resources, a site-specific hydrant charge shall be determined by said Director and billed to said applicant. All charges shall be paid within fifteen (15) days of the billing date otherwise the permit and furnishing of water shall terminate and the deposit be forfeited. Upon the payment of all charges and the return, in good working condition, of any equipment furnished by the Department, the deposit shall be returned to the applicant. All costs to the City for non-working, damaged, lost or missing equipment will be billed to the applicant. All connections to fire hydrants for water shall comply with the appropriate backflow prevention requirements of the State of Illinois Plumbing Code, City Code and City policies. (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance 2017-08, February 16, 2017) (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2008-42, June 16, 2008) (Amended, Ordinance No. 2005-112, December 19, 2005) (Amended, Ordinance No. 2000-63, July 17, 2000) (Amended, Ordinance No. 90-35, March 19, 1990)

24. **WATER FURNISHED AT WATER STATIONS.** Water may be furnished other than through a water service or fire hydrant, as provided in this Code, only at a City water station. Effective May 1, 2013, the monthly rate shall be \$5.08 per 100 cubic feet (\$0.68 per 100 gallons). Effective May 1, 2014 the monthly rate shall be \$6.60 per 100 cubic feet (\$0.88 per 100 gallons), and on May 1, 2015 the monthly rate shall be \$8.25 per 100 cubic feet (\$1.10 per 100 gallons). Charges not paid within 30 days of the billing date will result in the termination of water station use by said customer. (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2008-42, June 16, 2008) (Amended, Ordinance No. 2005-112, December 19, 2005)

25. **RULES AND REGULATIONS.**

A. In order to implement and administer the provisions of this Chapter and other applicable provisions of ordinance and to administer the concerned departments of the City, the City Manager is authorized and empowered to cause reasonable rules, regulations, and directives, not contrary to said provisions, to be promulgated and enforced, the same to be filed with the city Clerk, and kept and made available for public inspection at the office of said Clerk.

B. In addition to the authority granted in paragraph A hereof, the City Manager is hereby further authorized to issue and promulgate rules and regulations which limit the amount of water which may be consumed by the various classifications of water services established herein. Such limitations may be for specific periods of time or may be indefinite in duration, may prohibit or limit certain types of water use and must be uniform as to all users within a particular water service classification. Said rules and regulations shall be filed with the City Clerk as provided in subsection A hereof.

26. **PROHIBITED ACTIONS.** In addition to the prohibitions set forth in this Chapter, the following actions shall be prohibited.

A. No person shall connect or cause the connection of a water service to the water system of the City except as provided by the City Code.

B. No person shall restore water service from the water system of the City after such service has been turned off by the Public Works Department without first obtaining written permission from the City to do so.

C. No person shall resell water furnished through a water service from the water system of the City except upon express contract in writing approved by the City Council.

D. No person other than an authorized employee of the city or an authorized permittee of the City shall open, take water from, or interfere with City fire hydrants.

E. No person shall use or consume water in violation of any duly authorized rule or regulation established pursuant to Section 26 hereof. (Amended, Ordinance No. 2023-20, April 3, 2023)

27. PENALTY.

A. Any person or firm or corporation who shall violate any provision of Section 27 above shall be guilty of a misdemeanor and shall be fined not less than Two Hundred Fifty Dollars (\$250.00) no more than One Thousand Dollars (\$1,000.00) and each day upon which a continuing violation occurs shall be viewed as a separate offense.

B. In addition to the penalties set forth in subsection (A) above, any customer, person, firm or corporation found to be in violation of any of the provisions of this Chapter, or any regulation duly established hereunder, may, by such violation, be deemed to have forfeited the privilege or right, as the case may be, of being furnished water from the water system of the City, and any and all water service of such person may be shut off or disconnected from said water system. The City may also institute any other action provided by law for the recovery of the value

of any water appropriated from the City water system in violation of any provision of this Chapter. (Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance 2017-08, February 16, 2017) (Amended, Ordinance No. 2011-73, October 31, 2011) (Amended, Ordinance No. 2005-112, December 19, 2005) (Amended, Ordinance No. 2000-63, July 17, 2000) (Amended, Ordinance No. 90-35, March 19, 1990)

28. **SEWER USER CHARGES.** Sewer user charges of the Sanitary District of Decatur, or of the City, including stormwater utility fees, and sanitary sewer connection charges of the City are and shall be recognized and treated as other charges relating to water service along with all other such charges as provided for in this Code. (Amended, Ordinance 2014-15, April 21, 2014)

29. **TAMPERING WITH WATER INFRASTRUCTURE.** Any person who tampers, injures, alters, obstructs, prevents the action of, or breaks the seal on any City water infrastructure components, including, but not limited to water meters and their accessories, curb stops, water mains, water valves, air release valves, hydrants, storage reservoirs, elevated tanks and treatment facilities served by the City without the permission of the City, or who, without such permission, by-passes or jumps a water infrastructure component shall be fined not less than Five Hundred Dollars (\$500.00) no more than One Thousand Five Hundred Dollars (\$1,500.00) for each offense and each day upon which a continuing violation occurs shall be viewed as separate offense. Said conviction is grounds for the termination of water service to that meter and to any other water service carried in the name of the person, firm or corporation, so convicted. (Amended, Ordinance No. 2011-73, October 31, 2011) (Amended, Ordinance No. 2005-112, December 19, 2005)

30. **ANNUAL AUDIT.** The water fund shall be reviewed, not less often than annually, by Certified Public Accountants for the City in the annual audit report. (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2001-17, March 19, 2001)

31. **REVENUES.** All revenues and moneys derived from the operation of the water system shall be deposited in the water account of the water fund. . (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2005-112, December 19, 2005) (Amended, Ordinance No. 2001-17, March 19, 2001)

32. **ACCOUNTS.** The City Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water system, and at regular annual intervals shall cause to be made and audit by an independent auditing concern of the books to show the receipts and disbursements of the water system.

In addition to the customary operating statements, the annual financial report shall also reflect the revenues and operating expenses of the water facilities. The financial information to be shown in the annual financial report shall include the following:

1. Billing data to show total number of gallons billed per fiscal year.
2. Debt service for the next succeeding fiscal year.
3. Number of users connected to the system.

(Amended, Ordinance No. 2023-20, April 3, 2023) (Amended, Ordinance No. 2013-20, April 1, 2013) (Amended, Ordinance No. 2001-17, March 19, 2001)

33. **ACCESS TO RECORDS.** The Director of the Illinois Environmental Protection Agency, or his authorized representative, shall have access to any books, documents, papers and records of the City which are applicable to the City's system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms

of the State Loan. (Amended, Ordinance No. 2005-112, December 19, 2005) (Amended, Ordinance No. 2001-17, March 19, 2017)

34. **APPEALS.** The method of computation of rates and service charges established for user charges in this Chapter shall be made available to a user within ten (10) days of a written request for such. Any disagreement over the method used or in the computations thereof shall be resolved by the Finance Director within thirty (30) days after notification of a formal written appeal outlining the discrepancies. (Amended, Ordinance No. 2001-17, March 19, 2001)