

RULES, RATES AND REGULATIONS
FOR THE
FOUNTAIN WATER DISTRICT

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ORDINANCE NO. 07-1
AN ORDINANCE TO ESTABLISH RULES, RATES AND REGULATIONS
FOR THE OPERATION OF THE FOUNTAIN
WATER DISTRICT WATER SYSTEM

BE IT ORDAINED, by the Board of Trustees

FOUNTAIN WATER DISTRICT, as follows:

SECTION 1. Application for Services.

Water Service shall be furnished only to Water District users upon filing of an application and water users agreement with the Secretary of the District upon a form to be supplied by the District.

SECTION 2. Initial and Minimum Charges whether Water Used or Not:

The rates as shown in the rate schedule in Section 8 of this ordinance shall be paid by each customer, who has signed a User's Contract, beginning at the time the District makes the service available to the customer and the meter is set.

There shall be \$1900 tap-on-fees, for service to each property in which an application and water user's agreement has been filed prior to the start of the initial construction of the system or on demand. \$50.00 deposit payable upon signing of agreement, and balance of \$1850 when advertising for bids.

The tap-on-fee for service after the initial construction is complete shall be \$3500. Payable on the completion of a Water Application and filing with the Secretary of the District.

SECTION 3. Districts Responsibility and Liability:

A. Ownership, Installation, and Maintenance. The District shall install, own and maintain the complete water system, water mains, and service lines to the property lines or a mutually agreed upon point subject to the Board of Trustees determination that a particular service is economically feasible to install. The District shall furnish, install and maintain a meter and appurtenances including a shutoff valve. The shutoff valve shall be installed on the user's property line or such other point determined by a duly authorized representative of the District. The meter may be located near the shutoff valve or with the users premises as determined by the District representative. The meter and shutoff valve must be located at a point where it is readily accessible.

B. Refusal of Service. The District may at any time refuse additional service(s) to any applicant if in the judgment of the Board of Trustees the capacity of the system will not permit such use.

- C. Liability. All water service supplied by the District shall be upon the express condition that the District shall not be liable nor shall any claim be made against it for damages or injury caused by reason of shutting off of water for repair, relocation, or expansion of any part of or for concentration of water for such purposes as fire fighting or restricted use of water.
- D. Use of Water On Users Premises. The District shall reserve the right to use the water from the users facilities at any time deemed necessary. No charge shall be made by the user for the use of his facilities and no charge shall be made by the District for the water used by the District.
- E. Dangerous Use. The District shall have the right to refuse water service or to discontinue water service without notice at anytime to any consumer if the District finds any apparatus or appliances, the operation of which will be detrimental to the District Water System or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the District Water System or other consumers' plumbing shall be immediately repaired or removed upon notice from the District, or at its option, the District may immediately discontinue the service, without notice and without any liability for direct or resulting damages therefrom.

SECTION 4. User responsibility for:

- A. Installing and Maintaining Services Lines. The user shall be responsible for installation and maintenance of service lines between the meter and the residence or business. Such service lines must be at least ¾" in diameter, if over 200' line shall be 1" minimum or as noted at location of meter and must be installed at a minimum depth of 3 ½ feet. Service lines must have a minimum working pressure rating of 160 psi at 73.1 F and must be constructed of one of the following types of materials: Copper, (type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines must not be covered until they are inspected and approved by a duly authorized District representative. The user will not connect any service line or any plumbing connected with the service line to any other water source. The service line must meet any requirements of the State of Illinois, Environmental Protection Agency.
- B. Provisions for Location of Meter: The user shall permit the meter to be located upon his property.
- C. Easements: The user shall give such easements and right-of-way as necessary to the District and allow access for the purposes of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the Board of Trustees.
- D. Damage to District Property. No person shall tamper, adjust, damage, or in any manner interfere with the components or operation of the water system owned by the District. The shutoff valve shall be opened only by duly authorized representative of the District.

It shall be unlawful for any person not authorized by the District to tamper with, alter or injure any part of the District waterworks or supply system or any meter or any fire hydrant.

Any user responsible for tampering, adjusting, damaging or in any manner interfering with the components for operation of the water system shall reimburse the District for the actual cost of repairing any damage arising from the persons act. Users shall report any known evidence of tampering, adjusting, damaging, or interference with operation of the system, owned by the District, to the Chairman of the Board of Trustees. Any malicious act or damage to the system that is not appropriately punishable by the foregoing shall be prosecuted through a court of law.

Notwithstanding any provision herein to the contrary the user and/or property owner shall be solely responsible for any damage to the meters. The user and/or property owner shall reimburse the District for all costs and expenses relating to the repair of any meter.

E. Specified Uses of Water. Water purchased from the District may be used for ordinary domestic, industrial or farm use upon the premises for the user provided:

- (1) No user shall resell or permit resale of water purchased from the District without written consent of the Board of Trustees .
- (2) Each dwelling, apartment, and business tap, except as outlined herein, is a separate unit. The user must make application for service for each unit, and each unit shall have a separate cut-off valve, meter and service line, and user shall pay the minimum monthly rate and other rates and fees herein established for each unit. Users who have businesses on the same property and operate such as a part of the family or user's business shall be considered a single user, and one service meter shall be allowed for this location. Examples of this are: Stores or sales businesses with users' residence on same property; farming operations on same property as living quarters; churches and parsonages on same property, etc.

F. Cross-Connections:

- (1) Control of Cross Connections shall be in accordance with Exhibit –A- General Policy FWD 07-1 and Exhibit –B- Ordinance FWD 07-1 which form a part of these Rules, Rates and Regulations as referenced herein.

SECTION 5. Extension of Mains:

A. Determination of Who Pays Expenses of Extensions.

The Board of Trustees shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible then the District may install and pay the cost of the extension at the discretion of the Board of Trustees. If the District elects not to pay the costs of extending the water main then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the Board of Trustees. The District shall not pay for any extensions to an undeveloped area such as a subdivision being developed unless there are sufficient existing residents or businesses to make the extension economically feasible.

B. Requirements if Extension is Installed by Someone Other than the District.

- (1) The District must approve all plans and specifications for any extensions.
- (2) Before any extensions are installed, the plans and specifications must be reviewed and approved by the State of Illinois, Environmental Protection Agency.
- (3) Ownership, rights-of-way, and title must be conveyed to the district for all extensions installed by anyone other than the District. The District will maintain the mains thereafter.
- (4) No extension will be permitted if in the opinion of the Board of Trustees, the system does not have the necessary capacity to serve the proposed extension.

SECTION 6. Change in Occupancy:

A. Notice to District. Any user requesting a termination of service shall give written notice to the District ten (10) days prior to the time such termination of service is desired. The meter shall be read by the District and the user shall be billed.

B. Responsibility for Payment of Services Already Consumed. Responsibility for payment for water consumed prior to the date of termination shall be with the property owners as well as the user.

C. Charges for Change. There shall be no charge for transferring the water service to the subsequent user.

SECTION 7. Payment of Bills:

A. Date Due. The meters will be read by the District on or about the 15th day of each month. Half of the District's meters will receive actual readings and the other half an estimated reading. This will alternate the following month. If weather conditions or other circumstances prevent the reading of the meters then each water bill will be estimated by the District. Bills will be mailed by the 1st day of each month and will be delinquent 15 days after mailing. Bills will be paid to the Treasurer of the District or his designated representative.

B. Penalties for Late Payment. There will be a ten percent (10%) penalty added to each bill that is unpaid 15 days after mailing. If any bills remain unpaid 30 days after mailing the water supply to the property affected will be shut-off by the District and the service will not be restored until the delinquency and penalty is paid in full. Accounts delinquent in the amount of \$150.00 will automatically be shut-off by the District. In addition a \$100.00 service fee, or the actual costs which ever is greater, will be added to cover the cost of restoring service. Bills remaining unpaid 30 days after rendition shall constitute a lien upon the real estate to which the service has been rendered. The Secretary is hereby authorized and directed to file a notice of such lien in

the Office of the Recorder of Deeds, Monroe County, Illinois, and to pursue such legal action as is necessary to collect the delinquent charges.

The user and/or property owner shall be responsible for all costs of collection of unpaid bills, including reasonable attorneys' fees.

Property subject to a lien for unpaid water charges shall be sold for non-payment of the same and the proceeds of the sale shall be applied to pay the charges after deducting costs, as is the case of the foreclosure of statutory liens. Such foreclosures shall be by bill in equity in their name to the District.

SECTION 8. Rate Schedule:

- A. The following shall be the rates for water supplied by the District.

The minimum monthly bill will be as follows:

1" or smaller outlet meter	<u>\$ 16.00 Minimum</u>
1 ½" to 2" outlet meter	<u>\$ 32.00 Minimum</u>
Greater than 2" outlet meter	<u>\$ to be determined by the FWD Board</u>

The monthly bill will be computed on the following rate schedule:

0 - 1,000 gallons	<u>\$ 10.00 Minimum</u>
Next 4,000 gallons	<u>\$ 10.00 per 1,000</u>
Over 5,000 gallons	<u>\$ 5.25 per 1,000</u>

- B. Deposit. The District shall require all users other than property owners, to pay a deposit to the District in the amount of \$100.00. The deposit may be applied against any unpaid water bills at the time service is terminated. Any funds remaining shall be returned to the user at the termination of service.
- C. Late Turn on Fee. All users who are not connected to this water system within one year of the installation of the water service, the completion of said water system and availability of water from said water system to said user shall be charged a "Turn-on" fee of \$1000.00. This turn-on-fee is in addition to the tap-on-fee set forth in section 2 herein.
- D. Other requirements and charges. Services larger than 1 ½" shall have a RPZ valve. For new subdivisions there will be a charge of \$100.00 per lot for engineer and supervisor for review and installation of water.

Passed by the Board of Trustees this 22 day of March, 2007

Harold R. Baum -- (Chairman of FWD)

Patricia Garleb-- (Secretary of FWD)