

## CHAPTER 6

### PUBLIC WORKS

#### PART 1 DEPARTMENT OF PUBLIC WORKS

- SECTION 6-101. DEPARTMENT ESTABLISHED.**  
**SECTION 6-102. SUPERVISION.**  
**SECTION 6-103. VILLAGE VEHICLE**

**SECTION 6-101. DEPARTMENT ESTABLISHED.**

There is hereby established a department of the municipal government of the Village of Swansea which shall be known as the Department of Public Works and as such shall embrace the Transportation Committee, the Environmental Committee, the Parks and Recreation Committee, the Superintendent of Public Works, and all such other employees as may be, from time to time, employed on behalf of the Village of Swansea to aid in the work of the Department.

**SECTION 6-102. SUPERVISION.**

The Superintendent of Public Works shall exercise direct supervision over the affairs of the Department of Public Works, and therefore over the Village of Swansea's parks, streets, and sewer system. The Superintendent shall ascertain the

condition and needs thereof; shall, from time to time, report the same to the President and Village of Swansea Board of Trustees so that a full understanding thereof shall be had and generally, shall do all acts necessary to promote the efficiency of the Department.

**SECTION 6-103. VILLAGE VEHICLE.**

The Superintendent of Public Works shall be provided with a Village-owned vehicle for his 24 hour use. Maintenance and gasoline expenditures shall be paid by the Village of Swansea. ~~Said vehicle shall not be used for extended personal use.~~ Said vehicle shall be used for official use only. Official use is defined as use while on duty, or when commuting to and from the superintendent's residence to a Village facility, or when responding from the superintendent's residence to a location requiring service by the Public Works Department. (Ord 1590, 09/07/2010)

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## CHAPTER 6

### PUBLIC WORKS

#### PART 2 GENERAL PARK REGULATIONS

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#### SECTION 6-201. PARK HOURS.

- (A) All Village parks, including any adjacent parking areas, shall be open to the public daily from 6:00 A.M. until 10:00 P.M. from April 1st through October 31st of each year, and from 7:00 A.M. until 6:00 P.M. from November 1st through March 31st of each year.
- (B) No person shall remain in a park at any time other than those listed above, except Village personnel on official business, or those engaged in a Village sponsored or sanctioned activity, or those who have requested and been approved to reserve specific facilities within a park for designated dates and times.
- (C) For those who have requested and been approved to reserve the ~~Norman Lehr Community Center at Melvin Price Park~~ **one of the park community centers** shall be entitled to utilize said **such** facility after normal park closing hours. Reservation of the Community Center shall be allowed until 11:00 p.m. Monday through Thursday and until midnight Friday through Sunday after 9:00 a.m. and until 11:00 p.m. Monday through Thursday and until midnight Friday through Sunday, **between 9:00 a.m. and 10 p.m., which, during winter months, is after normal park closing hours.** (Ord 1394, 12/07/04) (Ord 1596, 11/01/2010)

#### SECTION 6-202. DESTRUCTION OF PARK PROPERTY.

Within the municipal parks, no person, except park personnel on official business, shall:

- (A) Cut, break, injure, destroy, take or remove any tree, shrub, timber, plant or natural object;
- (B) Kill, cause to be killed, or pursue with intent to kill, any bird or animal, except in areas where the Board has authorized hunting;
- (C) Take any fish from park waters contrary to any fishing regulations promulgated by the Village of Swansea Board of Trustees.
- (D) Willfully mutilate, injure or destroy any building, bridge, table, bench, fireplace, guide post, notice, tablet, fence, monument, or other park property or appurtenances.

#### SECTION 6-203. LITTERING, WATER POLLUTION.

- (A) No person shall deposit any trash within the municipal parks except in proper receptacles where these are provided, and only when such trash is generated as a result of using said parks. Where receptacles are not provided, all

trash shall be carried away from the parks by the person responsible for its presence, and be properly disposed of elsewhere.

- (B) No person shall discharge, or otherwise place or cause to be placed in the waters of any fountain, lake, stream, or other body of water, in or adjacent to any park or in any tributary, stream, storm sewer, or drain flowing into such waters, any substance or thing, liquid or solid, which will or may result in the pollution of said waters.

#### SECTION 6-204. FIRES IN PARKS.

- (A) No person shall light or use any unenclosed picnic fire within the municipal parks. Fires may be built only in fireplaces or on grills constructed for that purpose in designated areas.
- (B) In designated camping areas, every campfire shall be attended by a competent person at all times.
- (C) Every person who has lighted or used any fire in a municipal park, shall extinguish such fire before leaving the park.

#### SECTION 6-205. PICNICS.

No person shall picnic in the municipal parks, except in areas designated for that purpose. Village of Swansea Park personnel are hereby authorized to regulate the activities in such areas when necessary to prevent congestion or to secure the maximum use, comfort, and convenience of all. Visitors shall comply with any directions given to achieve this end.

#### SECTION 6-206. ERECTION OF STRUCTURES.

No person shall build or place any tent, building, booth, stand, or other structure in or upon any municipal park or other Village-owned recreational facility unless he has obtained a permit to do so from the Village of Swansea.

#### SECTION 6-207. SIGNS.

No person shall place within any municipal park, or affix to any object therein, any sign or device designed to advertise any business, profession, exhibition, event or thing unless he has obtained a permit to do so from the Village of Swansea.

#### SECTION 6-208. ANIMALS.

~~No person shall:~~

- ~~(A) Bring any dangerous animal into any municipal park;~~

~~(B) Permit any dog to be in any park unless such dog is on a leash; or~~

- ~~(C) Ride or lead any horse in any municipal park or other Village-owned recreational area except upon paths or other ways expressly provided and posted for that purpose.~~

~~(D) Allow any permitted animal to defecate on park properties or walkways, unless said person shall immediately remove all feces so deposited by said animal before removing the animal from the immediate area where said defecation occurred.~~

- (A) Dog Park. A dog park has been placed in an area of Melvin Price Memorial Park for the use of any person who has purchased a membership in the Swansea Dog Park under the following conditions:

- (1) An annual membership fee of twenty five dollars (\$25.00) for residents and fifty dollars (\$50.00) for non-residents must be paid for each and every dog that will enter the dog park. The non-refundable fee must be paid in the form of cash or check made payable to "The Village of Swansea". In addition, the membership may not be transferred to another dog owner.

- (2) Applicants must complete an application for membership, and must comply with the terms and conditions listed on the application form and any additional rules and regulations that have or may be approved by the Village of Swansea Board of Trustees.

- (3) Approved applications will be kept on file in the administration office of the Village of Swansea.

(B) No person shall:

- (1) Bring any dangerous animal into any municipal park.

- (2) Permit any dog to be in any park unless such dog is on a leash or in the dog park area.

- (3) Ride or lead any horse in any municipal park or other Village-owned recreational area except upon paths or other ways

expressly provided and posted for that purpose.

- (4) Allow any permitted animal to defecate on park properties or walkways, unless said person shall immediately remove all feces so deposited by said animal before removing the animal from the immediate area where said defecation occurred.

*(Ord 1456, 06/19/06)*

#### SECTION 6-209. MOTOR VEHICLES.

No person, other than municipal personnel on official business, shall drive or park any motor vehicle in any municipal park except on a roadway or parking lot.

#### SECTION 6-210. SALES, AMUSEMENTS FOR GAIN.

Within the parks of this municipality, no person shall, without first having obtained a permit from the Village of Swansea:

- (A) Sell or offer for sale, any goods or services; or  
(B) Conduct any amusement for gain or for which a charge is made.

#### SECTION 6-211. RESERVING FACILITIES.

Whenever any person, group, or organization desires to reserve a specific facility within a municipal park, including pavilions, lighted athletic fields, and the ~~Community Center~~ Norman Lehr Community Center and Thompson Civic Center at Mel Price Park, to the exclusion of others, they shall do so only through written request and authorization in accordance with the following: *(Ord 1539, Jan 20, 2009)*

(A) Waiver

1. Specified Organizations Entitled to Waiver. Specified organizations within the Village of Swansea, namely the Swansea Senior Society, ~~The Swansea Chamber of Commerce,~~ the Metro-East Regional Chamber of Commerce, and the Swansea Patriots, and the Swansea Farmers' Market shall be entitled to utilize the Community Center at Price Memorial Park, to the exclusion of all others and without charge or deposit, for their regularly scheduled meetings, and for any special events reported to the Village during the month of November and scheduled in the following year, provided that the Village of Swansea shall retain the right to utilize said facility at any time for any public purpose.

2. Other Organizations Entitled to Waiver. The Board of Trustees shall allow certain other organizations to utilize a specific facility within a municipal park to the exclusion of all others and without charge or deposit if the following requirements are met, as determined by the Board of Trustees in its discretion:

- a. A written request has been submitted at least 30 days before the proposed reservation date;  
b. The specific facility has not already been reserved by another organization or person; and  
c. The organization making the request promotes a public interest or purpose that is consistent with the public purpose and service objectives of the Village government, or provides services due for the public good without compensation. *(Ord 1745, 04/04/2016)*

- (B) Any other reservations shall be accepted for each calendar year beginning with the first business day of December.  
(C) Reservations for such facilities, except park pavilions, shall only be accepted from residents of Swansea, or from businesses or organizations located in Swansea. The Village shall verify residency by requiring the person making said reservation to submitting a copy of their driver's license or other acceptable form of identification, or by requiring the company or organization to submit a letter, on their letterhead, authorizing the reservation. *(Ord 1539, Jan 20, 2009)*  
(D) Reservation requests shall be made in writing on forms provided by the Village of Swansea, and no reservation shall be assured until a formal request is made and approved by the Village. No reservation shall be taken over the telephone. Such forms may include language regarding additional terms and conditions upon the use of the Village's facilities. *(Ord 1558, Oct 19, 2009)*  
(E) Should two reservation requests by submitted for the same day, the first such request submitted to the Village shall be given first consideration.  
(F) Each such request shall specifically state the location and facilities requested, as well as all special needs or requirements.  
(G) Each such request for reservation of a park pavilion shall be accompanied by a check

made payable to "The Village of Swansea", in the amount of Twenty-five Dollars (\$25.00) as a security deposit. Said check shall be returned to the person making said reservation only if, upon inspection, said facility is found by the Village to be clean and undamaged, and any equipment is returned. for residents and fifty dollars (\$50.00) for non-residents as the reservation fee for the use of said facility. This check shall be immediately deposited by the Village with the intent of offsetting some of the costs of utilities and maintenance for said facility. (Ord 1394, 12/07/04), (Ord 1539, Jan 20, 2009)

(H) Each such request for reservations of athletic facilities when field lights are required, shall be accompanied by a check made out in an amount equal to \$15 per hour of lights required, with a two hour minimum. Lights will be available in increments of hours only. The Village will be responsible for turning on and off the lights for each scheduled use.

(I) ~~Each such request for reservation of the Community Center at Price Memorial Park shall be accompanied by two checks made payable to "The Village of Swansea", and each in the amount of Fifty Dollars (\$50.00). One check shall represent the reservation fee for the use of said facility and shall be immediately deposited by the Village with the intent of offsetting some of the costs of utilities and maintenance for said facility. One check in the amount of sixty five (\$65.00) is for the reservation fee for the use of said facility. This check shall be immediately deposited by the Village with the intent of offsetting some of the costs of utilities and maintenance for said facility. The second check in the amount of Fifty Dollars (\$50.00) shall be a security deposit. Said check shall be returned to the person making said reservation only if, upon inspection, said facility is found by the Village to be clean and undamaged, and all Keys and any equipment are returned to the Village. (Ord 1394, 12/07/04) Each request for reservation of the Norman Lehr Community Center at Melvin Price Memorial Park shall be accompanied by check, or cash or credit card payment in the amount of one hundred fifteen (\$115.00), one hundred sixty five dollars (\$165.00) two hundred twenty-five dollars (\$225.00). One hundred Sixty-five dollars (\$100.00) is for the rent amount of of the Community Center, and \$60.00 \$100.00 one hundred twenty-five dollars (\$125.00) is for a security deposit. The total amount will be entered into the cash receipts system. The \$50.00 \$100.00 \$125.00 deposit fee shall be returned to the person making said reservation only if, upon inspection, said facility is found by the Village to be clean and undamaged, and all keys and any equipment are returned to the~~

Village. (Ord 1445, 03/20/2006)(Ord 1626, 09/19/2011)(Ord 1716, 02/17/15)

~~(J) For those requesting to reserve the Community Center, a key to the building shall be made available so that it can be picked up from the Government Center on the last business day prior to the date of the approved reservation. The person making said reservation shall be held responsible for the safe keeping of such key and entry into the Community Center shall only be authorized on the date and during the times approved on the reservation request. Entry at any other time shall be deemed unlawful. It shall also be the responsibility of the person making the reservation to assure that all doors to the Community Center are locked and to assure that the key is returned to the Government Center on the first business day following the reservation date.~~

(J) For those requesting to reserve the Thompson Center or the Lehr Center or TWM Center, a key to the appropriate building shall be made available so that it can be picked up from the Government Center on the last business day prior to on the date of the approved reservation. The person making said reservation shall be held responsible for the safe keeping of such key; and entry into the Thompson Center, or the Lehr Center or TWM Center shall only be authorized on the date and during the times approved on the reservation request. Entry at any other time shall be deemed unlawful. It shall also be the responsibility of the person making the reservation to assure that all doors to the Thompson Center, or the Lehr Center or TWM Center are locked and to assure that the key is returned to the Government Center on the first business day following the reservation date. Further rules and regulations regarding when and where to pickup and drop off the keys for these rentals shall be adopted by resolution of the Board of Trustees and attached to the building reservation form. (Ord 1500, Oct. 15, 2007) (Ord, 1591, 09/20/2010)(Ord 1716, 2/17/2015)

(K) Each request for reservation of the Thompson Center at Melvin Price Memorial Park shall be accompanied by check, or cash or credit card payment in the amount of one hundred fifty (\$150.00) two hundred dollars (\$200.00) three hundred fifty dollars (\$350.00). One hundred fifty dollars (\$150.00) is for the rent of the Thompson Center, and \$50.00 \$100.00 two hundred dollars (\$200.00) is for a security deposit. Should the renter also want access to the kitchen, the reservation shall be accompanied by check, cash or credit

payment in the amount of five hundred (\$500.00). Two hundred dollars (\$200.00) is for the rent of the Thompson Center, and three hundred dollars (\$300.00) is for a security deposit. The total amount will be entered into the cash receipts system. No disc jockeys ("DJs") or live music is allowed at the Thompson Center. The ~~\$50.00~~ ~~\$100.00~~ applicable deposit fee shall be returned to the person making said reservation only if, upon inspection, said facility is found by the Village to be clean and undamaged, and all keys and any equipment are returned to the Village. (Ord 1500, Oct. 15, 2007)(Ord 1626, 9/19/2011)(Ord 1716, 02/17/2015)

(L) Each request for reservation of the TWM Center at Schranz Memorial Park shall be accompanied by check, or cash or credit card payment in the amount of ~~one hundred dollars (\$100.00) one two hundred fifty dollars (\$150.00) (\$250.00)~~ for residents or ~~two hundred dollars (\$200.00) two hundred fifty dollars (\$250.00)~~ three hundred dollars (\$300.00) for non-residents. ~~Fifty~~ One hundred dollars for residents and one hundred fifty dollars for non residents shall be the rent amount of the TWM Center. The remaining ~~forty~~ one hundred fifty dollars for residents and ~~one hundred on hundred fifty dollars~~ for non-residents shall be held as a security deposit. The entire amount shall be entered into the cash receipts system. The security deposit shall be returned to the person making said reservation only if, upon inspection, said facility is found by the Village to be clean and undamaged, and all keys and any equipment are returned to the Village. (Ord, 1591, 09/20/2010)(Ord 1626, 9/29/2011)

(M) The foregoing notwithstanding, any reservation for a building for a wedding must reserve the building for a minimum of three (3) days, accompanied by check, cash or credit card payment in the amount of rent for three (3) days and one (1) security deposit for the building as provided hereinabove. (Ord 1745, 04/04/2016)

#### **SECTION 6-211.5 SCHRANZ PARK SPLASH PAD RESERVATION**

Whenever anyone desires to use the Schranz Park Splash Pad for an organized group of twenty (20) or more persons, they shall do so only through written reservation, authorization and permit in accordance with the following:

(A) The number of users permitted by the reservation shall not exceed fifty (50) persons.

(B) The time reserved shall be limited to the hours of 11:30 a.m. to 1:30 p.m., and only on a

weekday when the Schranz Park Splash Pad is open.

(C) The person making reservation shall pay a fee of \$50.00 which allows exclusive use of the Schranz Park Splash Pad during the time and date of the reservation.

(D) Reservation requests shall be made in writing on forms provided by the Village of Swansea, and no reservation shall exist until the request is approved by the Village. No reservations shall be taken over the telephone. Such forms may include language regarding additional terms and conditions upon the use of the Village's facilities.

(E) Each permitted reservation shall be posted at an appropriate location at the Schranz Park Splash Pad facility, and the reserving group shall be entitled to exclusive use on that date and during that time period. (Ord, 1746, 04/04/2016)

Whenever anyone desires to use the Schranz Park Splash Pad for an organized group of ten (10) or more persons, they shall do so only through written reservation, authorization and permit in accordance with the following:

(A) The number of users permitted by the reservation shall not exceed fifty (50) persons.

(B) The time reserved shall be limited to the hours of 11:30 a.m. to 1:30 p.m., and only on a non-holiday weekday when the Schranz Park Splash Pad is open.

(C) Any person making such a reservation which allows exclusive use of the Schranz Park Splash Pad during the time and date of the reservation, shall pay a fee to do so, in the form of a check made payable to "The Village of Swansea". Said fee shall be Fifty Dollars (\$50.00) for residents of Swansea, and Seventy-five Dollars (\$75.00) for non-residents. Any such check shall immediately be deposited by the Village with the intent of offsetting some of the operating cost for said facility.

(D) Any such reservation request for exclusive use of the Schranz Park Splash Pad shall be accompanied by a check or cash security deposit in the amount of One-Hundred Dollars (\$100.00) for residents of Swansea, or Two-Hundred Dollars (\$200.00) for non-residents. The deposit will be entered into the cash receipts system and refunded to the person making said reservation only if, upon inspection, the Splash Pad is found to be clean and undamaged, with the filtration system free of food or any other materials not allowed in or

near the splash pad, and all other rules governing its use were followed. The Village Administrator, or any other official authorized by the Board of Trustees, shall have the authority to decide not to refund a security deposit.

- (E) Reservation requests shall be made in writing, at least thirty (30) days in advance, on forms provided by the Village of Swansea, and no reservation shall exist until the request is approved by the Village. No reservations shall be taken over the telephone. Such forms may include language regarding additional terms and conditions upon the use of the Village's facilities.
- (F) Each permitted reservation shall be posted at an appropriate location at the Schranz Park Splash Pad facility, and the reserving group shall be entitled to exclusive use on that date and during that time period. (Ord 1756, 07/05/16)

#### **SECTION 6-212. SPECIAL EVENTS.**

- (A) Whenever any group, association or organization desires to use said park facilities for a particular special event, such as company picnics or parties, theatrical or entertainment performances, political speeches, festivals or carnivals, a representative of said group, association or organization shall first obtain the written permission from the Village of Swansea. All requests for special events must be made at least thirty (30) days prior to event.
- (B) The Village of Swansea shall grant the application if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public, and if said group, association or organization meets any other conditions required by the Village of Swansea.

The Village of Swansea may require an indemnity bond to guard from any liability of any kind or character determined to be necessary to protect the Village of Swansea from loss or damage.

#### **SECTION 6-213. APPLICATIONS FOR REQUIRED PERMITS.**

Applications for permits required by Sections 6-201(b), 6-206, 6-207, 6-210 and any other sections of this Chapter, shall be made in writing to the Village of Swansea not less than seven (7) days before the proposed date of the activity for which the permit is sought. Each application shall include the following information:

- (A) Statement briefly describing the nature of the proposed activity;
- (B) Name, address and telephone number of the person or organization wishing to conduct such activity;
- (C) The date when such activity is to be conducted;
- (D) The hour when such activity will start and terminate;
- (E) The park or portion thereof for which such permit is desired; and
- (F) An estimate of the anticipated attendance.

#### **SECTION 6-214. DECISION ON PERMIT APPLICATION.**

After due consideration of the information contained in the permit application, but no later than four (4) days after the application has been filed, the Village of Swansea shall determine whether the application is satisfactory. An application shall be deemed satisfactory if:

- (A) The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (B) The facilities desired have not been reserved for other use at the day and hour requested in the application;
- (C) The conduct of such activity will not substantially interrupt the safe and orderly movement of traffic.;
- (D) The proper policing of such activity will not require the diversion of so great a number of police officers as to prevent normal police protection to the remainder of this municipality;
- (E) The conduct of such activity is not reasonably likely to cause injury to persons or property, or to incite violence, crime or disorderly conduct; and
- (F) Such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit.

#### **SECTION 6-215. ISSUANCE - DENIAL OF PERMITS.**

By regular mail or by telephone, the Village of Swansea shall promptly notify every permit applicant of the decision of his application.

(A) If such decision is favorable, the Village of Swansea shall issue the permit. As a condition of the issuance of any permit, the Village may require that an indemnity bond be obtained, if in their opinion, such bond is necessary to protect this municipality from liability or to protect municipal property from damage.

(B) The Village of Swansea shall inform each applicant who has been denied a license regarding the reasons for the denial, and the procedure for appeals.

#### **SECTION 6-216. PROHIBITED ACTS.**

It shall be unlawful for any person, firm or corporation using such parks to either perform or permit to be performed any of the following acts:

(A) Willfully mark, deface, disfigure, injure, tamper with, displace or remove, any building, bridge, table, bench, fireplace, railing, paving or paving material, waterline or other public utility or part or appurtenance thereof, sign, notice or placard, whether temporary or permanent, monument, stake, post, or other boundary marker or other structure or equipment, facility or park property or appurtenance whatsoever.

(B) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(C) Bring in any dump, or leave any bottle, broken glass, ashes, paper, box, can, dirt, rubbish, waste, garbage, refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

(D) Engage in disorderly conduct or disturb the peace.

(E) Prevent any person from peaceably using any park, or any of its facilities, or interfere with such use.

(F) Swim, bathe, or wade in any water or waterways in or adjacent to any park, except in such waters and at such places as are designated therefore.

(G) Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(H) Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded, except by permission as provided in this Part.  
*(Ord 1716, 02/17/2015)*

(I) Engage in special activities including flying model airplanes, golf practice, ice skating, sledding, fishing, games and picnics except at locations specifically designated for such activities by the Village of Swansea. Areas for such activities may be reserved by groups for use at specified times, as provided in this Part.

(J) Drive or park any bicycle, automobile, motorcycle, or other motor vehicle except on a street, driveway or parking lot in any park, or park or leave any such vehicle in any place other than one established for public parking. It shall be unlawful to pass on any park road. The speed limit in any park shall be 10 m.p.h.

(K) Bring any horse or dangerous animal or permit any dog to be in any park unless such dog is on a leash not more than six feet (6') long. Allow any permitted animal to defecate on park properties or walkways, unless said person shall immediately remove all feces so deposited by said animal before removing the animal from the immediate area where said defecation occurred.

(L) Sell, peddle or offer for sale any commodity or article within any Village of Swansea Park, without a written permit.

(M) Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, erect or cause to be erected any sign whatever in any park or roads adjacent to a park.

(N) Deposit or leave any species of fish, fowl or animal in any park.

(O) Remove Indian relics, arrowheads or other artifacts.

(P) Light any fires other than in established fire containers or pits.

~~(Q) Bring in, consume, or have in possession any intoxicating beverage or any controlled substance as defined by the Illinois Controlled Substances Act or the Illinois Cannabis Control Act, with the exception of any special groups or organizations which have received a special permit from the Village of Swansea thirty (30) days prior to the event. Such groups or organizations must also show proof of an Indemnity Bond or other insurance to protect the Village of Swansea from liabilities of any kind or character they determine to be necessary to guard the Village from loss or damage as a result of consumption of intoxicating beverages. (Ord. 1506, Dec 3, 2007, deleting "special")~~

(Q) Consume or have in one's possession any intoxicating beverage on or within thirty (30) feet of any playground or playground with water play fixtures, or on any sports field or court or within thirty (30) feet of the outer field lines of any sports field or court during any game or practice session of any sports team(s) in which the players are under the age of twenty-one (21) years, or within the enclosed area of the Dog Park, or any place within any park or park facilities when there is a gathering of more than fifty (50) persons unless the Village Clerk issues a permit, after a group of such size has made application for a permit at least thirty (30) days in advance of the event, and has presented proof of an indemnity bond or other insurance to protect the Village of Swansea from liabilities of any kind or character that the Village determines necessary to guard the Village from loss or damage as a result of consumption of intoxicating beverages, and after said application has been approved by the Park Board. (Ord 1521, Jul 7, 2008)

(R) Fire, or have in possession, any firearm, air gun, archery device or other device for the propelling of objects.

(S) Smoke cigarettes, cigars, pipes or chew tobacco within thirty (30) feet of any playground, or playground with water play fixtures or within the fenced area of the Dog Park. (Ord 1584, June 21, 2010) \* footnote – re-lettered as (S) due to prior entry to (R).

Any one found guilty of violating any of the provisions of this Section shall be fined not less than \$50.00 or more than \$500.00.

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CHAPTER 6  
PUBLIC WORKS  
PART 3

GENERAL STREET REGULATIONS

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- SECTION 6-304. STAIRWAY - RAILING.
- SECTION 6-305. CLOSING STREET.
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- SECTION 6-309. CULVERTS.
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- SECTION 6-315. SIGNS ON POLES.
- SECTION 6-316. MERCHANDISE ON PUBLIC STREETS.
- SECTION 6-317. ENCROACHMENTS.
- SECTION 6-318. INJURY TO NEW PAVEMENTS.

**SECTION 6-301. UNDERMINING.**

No person shall undermine in any manner, any street or any other ground or real estate situated in the Village of Swansea and owned by the Village of Swansea or by any other private person.

~~Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street.~~

**SECTION 6-302. OPEN DOORS.**

~~No person shall open or allow to remain open, any door or the grating of any vault belonging to the premises occupied by him on any street, alley, or sidewalk in the Village of Swansea for any purpose, except the taking in and removing of goods, and any person allowing such grating to remain open shall warn passers by of the danger.~~

**SECTION 6-305. CLOSING STREET.**

~~Whenever public safety or the improvement or repair of any street, alley or public place requires it, the President of the Village of Swansea Board of Trustees may order any street, alley or public place temporarily closed to traffic by the placing of signs indicating that the street, alley or public place is closed by order of same. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley, or public place, or in any manner, destroy, deface or remove any such sign.~~

**SECTION 6-303. VAULTS.**

~~No person shall dig or cause to be dug in the street or sidewalk, any vault without covering the opening thereof in such a manner as to prevent persons, animals and vehicles from falling into the excavation. Such vault shall be in conformance with other Code provisions.~~

**SECTION 6-302. CLOSING STREETS-GENERALLY**

(A) Whenever public safety or the repair of any street, alley or sidewalk requires it, the Mayor, Police Chief, Fire Chief or Superintendent of Public Works

**SECTION 6-304. STAIRWAY - RAILING.**

may order any street, alley or sidewalk temporarily closed to traffic, and shall direct the placing of barricades and signs indicating that such right-of-way is closed by the order of same. Whenever such barricades and signs are so placed, it shall be unlawful for any person to walk, drive or ride upon or cross such closed street, alley or sidewalk.

(B) It shall be unlawful for any unauthorized person to remove or relocate any barricade from any public right-of-way, or for any person to damage, deface, destroy or remove or relocate any closure or detour placard.

(C) There shall be no fee imposed by the Village of Swansea for the temporary occupation or closure of any street, alley or sidewalk for any block party, community event or private construction.

#### **SECTION 6-303. CLOSING STREETS-BLOCK PARTIES.**

Any person or group of persons may make application to the Chief of Police to close any street or part of a street for any day or part of a day for the purpose of conducting a block party. The applicant shall agree to the following:

(A) provide adequate method of street closure.

(B) allow one lane to remain clear and open for the passage of emergency vehicles.

(C) accept responsibility for any damage or liability that may occur.

The Chief of Police shall approve the request if the Chief determines that the applicant will fulfill the requirements listed herein, and the event will not affect public safety or unduly inconvenience the public. Upon approval, the Chief of Police shall notify the Mayor and the Board of Trustees of the scheduled block party.

#### **SECTION 6-304. CLOSING STREETS-COMMUNITY EVENTS.**

Any person, corporation, not-for-profit organization or other group seeking to temporarily occupy or close any street under the jurisdiction of Village of Swansea for any parade, festival, organized run, walk or bicycle tour or similar community event shall first make application to the Chief of Police. The applicant shall present a diagram of the streets proposed to be occupied or closed, detour route, and barricade and signage plan. The Chief of Police shall review the proposed occupation or closure of such street or streets, and shall recommend to the Board of Trustees the approval or denial of the application. The Board of Trustees shall give its approval, with

conditions if deemed necessary, or denial of the proposed occupation or closure of such street or streets considering the safety and convenience of the public.

#### **SECTION 6-305. CLOSING STREETS-PRIVATE CONSTRUCTION.**

Any person or firm seeking the temporary occupation or the closure of all or part of any street, alley or sidewalk for any purpose in connection with the erection, removal, alteration or repair of any building or other structure shall first make application to the Superintendent of Public Works or his designated representative. The Superintendent of Public Works shall approve, with conditions if deemed necessary, or deny the application considering the duration of the closure, the practicality of the detour plan, the arrangements for appropriate detour and closure signage and the safety and convenience of the public. The Superintendent of Public Works shall give forty-eight (48) hours notice to the police and fire departments and the ambulance company of any scheduled street closure. (Ord 1634, December 19, 2011)

#### **SECTION 6-306. SIGNS ACROSS STREET.**

No person shall place any sign, advertisement or banner over any street or alley in the Village, unless he has written approval of the Village of Swansea Board of Trustees.

#### **SECTION 6-307. PORCH.**

It shall be unlawful for any person or persons, firm or corporation to construct and maintain any porch or similar overhead covering device extending from any building bordering upon any public sidewalk, which overhangs any public sidewalk or passageway, supported by or resting upon posts, in the Village of Swansea.

#### **SECTION 6-308. VEHICLES ON SIDEWALKS.**

No person shall operate any licensed vehicles over any sidewalk, except in crossing the same to go into a yard or parking lot.

#### **SECTION 6-309. CULVERTS.**

Any person desiring a driveway type culvert shall secure permission from the Superintendent of Public Works. After securing the proper size, location, depth and method of installation information from the Village of Swansea, the person shall purchase the approved culvert and the

Village of Swansea Street Department shall install the culvert.

Any person desiring a driveway type culvert shall secure permission from the Superintendent of Public Works. After securing the proper size, location, depth, and method of installation information from the Village of Swansea, the person shall purchase the approved culvert and the Village of Swansea Street Department shall install the culvert. (Ord 1621, 08/01/2011)

#### **SECTION 6-310. BURNING.**

It shall be unlawful in the Village of Swansea to burn leaves, grass, rubbish or any other substance on the margin of any cement, bituminous, or other hard-surfaced paved street, highway or sidewalk within or partly within the Village of Swansea.

#### **SECTION 6-311. MATERIALS ON SIDEWALKS.**

It shall be unlawful to place or locate on any public sidewalk, any material, which may be harmful to the pavement thereof, or any waste material, or any glass or other articles, which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than four feet (4'); and provided that no such article shall remain on such walk for more than one-half (1/2) hour.

#### **SECTION 6-312. OBSTRUCTING STREET.**

No person shall place or cause to be placed or erected on any public ground, or in any public street, alley or sidewalk, in the Village of Swansea, any debris, materials, or obstruction, including mud, dirt and other organic matter deposited as a result of construction, except as may be permitted by this Chapter. When any such matter is deposited as a result of construction, it shall be the responsibility of the General Contractor, or the Property Owner in the absence of a General Contractor, to assure that such material is removed daily and streets are left clean and unobstructed.

#### **SECTION 6-313. WATER FROM EAVES.**

No person owning or occupying any building in the Village of Swansea shall cause pipes conducting the water from eaves of the building to be so constructed as to spread the water over the sidewalk.

#### **SECTION 6-314. BUILDING MATERIALS IN STREET**

The Superintendent of Pubic Works may cause to be moved, any obstruction on any street or sidewalk of the Village of Swansea; but before doing so, he shall notify the person responsible therefore to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street, may deposit materials thereon and contiguous to such length of time as may be necessary for the work. The obstruction shall not extend to more than one-half (1/2) of the width of the sidewalk, street, or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. Such person shall warn passers-by at night by placing warning lights around such materials.

#### **SECTION 6-315. SIGNS ON POLES.**

No person shall nail, tack, paste, paint or fasten or cause to be nailed, tacked, painted or fastened any sign or any other foreign substance or material onto any telephone, telegraph, electric light, police and fire-alarm pole, or post, or any street or traffic sign located on any sidewalk, street, alley, or public grounds or injure or deface any such pole or post.

#### **SECTION 6-316. MERCHANDISE ON PUBLIC STREETS.**

It shall be unlawful for any person, firm or corporation to use any street, sidewalk or other public place as space for the display of goods or merchandise for sale; or to write or make any signs advertising on any such pavements.

#### **SECTION 6-317. ENCROACHMENTS.**

It shall be unlawful for any person, firm or corporation to erect or maintain any building, structure, fence, pole, or sign, which encroaches upon any public street, property, or right-of-way, without written authorization to do so from the Village of Swansea Board of Trustees.

#### **SECTION 6-318. INJURY TO NEW PAVEMENTS.**

It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly-laid pavement.

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**CHAPTER 6**  
**PUBLIC WORKS**

**PART 4**  
**TREES AND SHRUBS AS OBSTRUCTIONS TO STREETS**

- SECTION 6-401. PLANTING.**
- SECTION 6-402. UNLAWFUL TO PLANT TREES AND SHRUBBERY.**
- SECTION 6-403. REMOVAL.**
- SECTION 6-404. INJURY. SECTION 6-405. ADVERTISEMENTS OR NOTICES.**
- SECTION 6-406. DANGEROUS TREES.**
- SECTION 6-407. CERTAIN TREES PROHIBITED.**
- SECTION 6-408. WIRES.**
- SECTION 6-409. GAS PIPES.**
- SECTION 6-410. DECAYED TREES.**

**SECTION 6-401. PLANTING.**

It shall be unlawful to plant any tree or bush in any public right-of-way street or parkway, or other public place, without having first secured a permit therefor. Applications for such permits shall be made to the Village of Swansea Clerk and shall be referred by him to the Village of Swansea Board of Trustees. All trees and shrubs so planted shall be placed subject to the directions and approval of the Village of Swansea Board of Trustees.

**SECTION 6-402. UNLAWFUL TO PLANT TREES AND SHRUBBERY.**

It shall be unlawful for any person or persons, firm or corporation to plant or cause to be planted, any tree or shrub less than seven feet (7') from any property line fronting any public street. No tree shall be planted on the corner of a lot at a distance less than thirty feet (30') from any intersecting streets.

**SECTION 6-403. REMOVAL.**

It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any right-of-way, parkway or public place without having first secured a permit therefor. Applications for such permits shall be made to the Village of Swansea Clerk and shall be referred by him to the Village of Swansea Board of Trustees before permission shall be granted.

**SECTION 6-404. INJURY.**

It shall be unlawful to injure any tree or shrub planted in any public place.

**SECTION 6-405. ADVERTISEMENTS OR NOTICES.**

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any right-of-way, street, parkway, or other public place.

**SECTION 6-406. DANGEROUS TREES.**

Any tree or shrub which overhangs any sidewalk, street or other public place in the municipality at a height less than eight feet (8') or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the premises on which such tree or shrub grows, so that the obstruction shall cease.

Any tree or limb of a tree which has become likely to fall on or across a public way or place shall be removed by the owner of the premises on which such tree grows or stands.

The Superintendent of Public Works may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.

**SECTION 6-407. CERTAIN TREES PROHIBITED.**

It shall be unlawful for any person or person's firm or corporation to plant or cause to be planted in any of the public right-of-ways, streets, alleys, sidewalks, parkways and other public places in the Village of Swansea, any trees of any of the following varieties: Cottonwood, Poplar, and Willow.

**SECTION 6-408. WIRES.**

It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway or other public place without the permission of the Village of Swansea Board of Trustees.

Any person or company given the right to maintain the poles and wires in the streets, alleys or other public places in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Superintendent of Public Works so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct.

**SECTION 6-409. GAS PIPES.**

Any person or company maintaining any gas pipe in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

**SECTION 6-410. DECAYED TREES.**

Any person owning a parcel of land whereon is situated a decayed or dead tree which extends over any sidewalk or street shall remove such dead or decayed tree or parts thereof in such a manner that danger to the public is eliminated.

**CHAPTER 6**  
**PUBLIC WORKS**

**PART 4**  
**TREES AND SHRUBS AS OBSTRUCTIONS TO STREETS**

- SECTION 6-401. PLANTING.**
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- SECTION 6-407. CERTAIN TREES PROHIBITED.**
- SECTION 6-408. WIRES.**
- SECTION 6-409. GAS PIPES.**
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CHAPTER 6

PUBLIC WORKS

PART 5

REGULATIONS FOR STREET EXCAVATION

- SECTION 6-501. APPLICATION FOR PERMIT.
- SECTION 6-502. BOND.
- SECTION 6-503. MANNER OF EXCAVATING.
- SECTION 6-504. RESTORATION OF EXCAVATION.
- SECTION 6-505. TIME LIMIT.
- SECTION 6-506. FITNESS OF APPLICANT.
- SECTION 6-507. ISSUANCE OF PERMIT.
- SECTION 6-508. SUPERVISION.
- SECTION 6-509. EXEMPTIONS.
- SECTION 6-510. OBSTRUCTING WORK IN STREET.
- SECTION 6-511. BARRIERS AND LIGHTS.
- SECTION 6-512. LIGHTS ON MATERIAL IN STREET.
- SECTION 6-513. INTERFERENCE WITH BARRIERS AND LIGHTS.
- SECTION 6-514. LIABILITY OF PERSON TO VILLAGE FOR DAMAGE.

**SECTION 6-501. APPLICATION FOR PERMIT.**

- A) Any person desiring to lay, lower, change, repair, or remove any pipes or to make connections therewith, or to make any change, improvement, fill, excavation, or alterations within or upon any right-of-way, street, alley, sidewalk, or other public place, shall apply to the Superintendent of Public Works or his designated representative, for a permit to do so. Applicant shall describe the portion of the right-of-way, street, alley, sidewalk, or other public place where such work is to be done, and the nature and character of the work to be done.
- B) Any person laying, lowering, changing, repairing or removing any pipes or making connections therewith, or making any changes, improvements, filling, excavations, or alterations within or upon any right-of-way, street, alley, sidewalk, or other public place, without first applying for a permit pursuant to subparagraph A. of this section, or conducting such activities without a permit shall be liable to the Village of Swansea for any damage to real or personal property belonging to the Village of Swansea in addition to being fined not more than \$500.00 per any such activity pursuant to §1-114.

**SECTION 6-502. BOND.**

Applicant shall also give a \$5,000.00 bond, conditioned that he will:

- (A) Suitably guard and protect any excavation or obstruction;

- (B) Defend, save, keep harmless, and indemnify the Village of Swansea and from all actions, suits, costs, damages and expenses including any injuries or damages received or sustained by any person by or from acts or omissions of the applicant or his employees in doing such work;
- (C) Complete such work as expediently as possible, and when completed, notify the Village of Swansea of such fact so that the Superintendent of Public Works or his designated representative, may see that the same has been promptly and properly restored to its former condition;
- (D) Guarantee that such work is to reconstructed, refilled, and restored in a good and workmanlike manner, and of good and proper material, and that the same shall not deteriorate, cave-in or require repair or reconstruction for a period of at least two (2) years from the time of approval of such work;
- (E) Upon the giving of notice to that effect, pay to the Village of Swansea, for use of same, any and all costs and expenses to which the Village of Swansea may have been put, paid or become liable for in refilling, repairing and replacing the work on the surface or pavement of such right-of-way, street, alley, or sidewalk, or other public place if the work shall be done by the Village of Swansea, or it becomes necessary for the Village of Swansea to do so, the cost in all cases to be certified by the Superintendent of Public Works or his designated representative.

Such bond, with sureties, shall be approved by the President of the Village of Swansea Board of Trustees or his designated representative.

### SECTION 6-503. MANNER OF EXCAVATING.

It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefore. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavations, the excavation shall not extend anywhere below the surface any distance which would be greater than the opening at the surface.

No injury shall be done to any pipes, cables or conduits or any Village of Swansea Department or office charged with the care thereof, and no pipes, cables or conduits or parts thereof, which are or may be in danger or affected by making such excavation or tunnel, shall be removed without obtaining a permit to do so before such pipes, cables or conduits shall be disturbed.

No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

### SECTION 6-504. RESTORATION OF EXCAVATION.

The street shall be restored by the applicant and or developer as indicated below:

- (A) All trenches shall be backfilled with compacted CA-6 Rock or approved alternate. No material removed from the trench will be allowed to be reused unless approved by the Village prior to placement.
- (B) Temporary patches may be installed to facilitate traffic movement until a permanent patch can be installed. The contractor shall be responsible for maintaining the temporary patch and for all liability associated with the excavation and repair.
- (C) The contractor shall notify the Village twenty-four hours prior to pouring or placing any permanent repairs.
- (D) The existing pavement should be saw-cut one foot beyond the trench limits (each direction) prior to initiating the pavement repair.
- (E) Concrete streets shall be repaired with Portland cement pavement having a 28-day compressive strength of not less than 4000 PSI and having a minimum thickness equivalent to the pavement being replaced, but in no case less than 6" in thickness. Prior to pouring the replacement slab, the contractor shall install ½ dowel bars at a maximum of 30 inch spacing (minimum 2 each direction) into the existing slab. The contractor shall be responsible for replacing any reinforcing

removed during the repair process and for installing reinforcing in any repair area as directed by the Village.

~~(F) Asphalt streets shall be repaired with a minimum of 4" bituminous concrete pavement. Portland cement pavement dyed to match the surrounding asphalt can be used in lieu of bituminous concrete pavement.~~

~~(G) Oil and chip streets shall be repaired with a minimum of 4" of bituminous concrete pavement.~~

(F) Asphalt streets shall be repaired with a minimum thickness equal to the surrounding surface but not less than 8" bituminous concrete dyed to match the surrounding. Asphalt can be used in lieu of bituminous concrete pavement.

(G) Oil and chip streets shall be repaired with a minimum thickness equal to the surrounding surface but not less than 8" of bituminous concrete pavement. (Ord 1696, 03/17/14).

### SECTION 6-505. TIME LIMIT.

Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground, or until the refill is made ready for the pavement to be put on by the Village of Swansea, if same restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the Village.

### SECTION 6-506. FITNESS OF APPLICANT.

No permits shall be granted to any person failing to file the appropriate bond, or who, in the judgment of the President of the Village of Swansea Board of Trustees or his designated representative, is unfit or unqualified to engage in the class of work herein provided for.

### SECTION 6-507. ISSUANCE OF PERMIT.

Upon receipt of application, the Superintendent of Public Works or his designated representative in coordination with the Village of Swansea Engineer and upon approval of the President of the Village of Swansea Board of Trustees or his designated representative, shall issue a permit to the application, stating therein all privileges thereby granted.

### SECTION 6-508. SUPERVISION.

The Superintendent of Public Works or his designated representative, shall, from time to time, inspect all excavations and tunnels being made in or under any public street, alley or other public place in the Village of Swansea to see to the enforcement of the provisions of this Part.

Sufficient notice shall be given to the Superintendent of Public Works or his designated representative before the work of refilling any such excavation or tunnel commences.

#### **SECTION 6-509. EXEMPTIONS.**

The provisions of the regulation relative to securing permits shall not apply to officers or employees of the Village of Swansea engaged in doing such work; nor to persons or corporations which are operating under a franchise or grant from the Village of Swansea if such franchise provides for the making of excavation and tunnels without securing a permit therefore.

#### **SECTION 6-510. OBSTRUCTING WORK IN STREET.**

When any right-of-way, street, alley, sidewalk or other public place is being improved under any contract with the Village of Swansea, it shall be unlawful for any person to destroy, injure, carry away, remove or interfere with any of the material or appliances used in or about the work, or impede, obstruct, or interfere with the execution of the work or destroy or damage any of the work or materials which may have been placed by the contractor.

#### **SECTION 6-511. BARRIERS AND LIGHTS.**

Whoever digs, or causes to be dug, a ditch or excavation in or adjoining any right-of-way, street, alley, sidewalk or other public place shall erect a suitable barrier about such excavation and during the night, shall keep a sufficient number of illuminated warning lights around such excavation, and the earth there from, in order to warn passers-by.

#### **SECTION 6-512. LIGHTS ON MATERIAL IN STREET.**

Every object standing on a street, alley or other public road within the Village of Swansea shall have an illuminated light thereon at night, if it is an object other than a vehicle.

#### **SECTION 6-513. INTERFERENCE WITH BARRIERS AND LIGHTS.**

No person shall remove or interfere with any barrier, warning sign or light placed in any street for the protection of the public.

#### **SECTION 6-514. LIABILITY OF PERSONS TO VILLAGE FOR DAMAGE.**

If any person violates any provision of this Code, and any person or property in consequence thereof is injured or damaged, the person so guilty of such violation shall be liable to the Village of Swansea in relation thereto, and no prosecution or other proceeding by the Village of Swansea of such person for any penalty imposed for a violation shall constitute a bar to such action by the Village of Swansea for such damages.

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**CHAPTER 6**  
**PUBLIC WORKS**

**PART 6**  
**SEWER SYSTEM DEFINITIONS**

**SECTION 6-601. DEFINITIONS.**

**SECTION 6-601. DEFINITIONS.**

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

**Apartment House:** Shall mean any structure containing two (2) or more dwelling units, each unit having a separate facility for using water service.

**Applicant:** Is hereby defined as an owner (or owners) of premises who has made written application to the Village for a permit to install or repair a house connection.

**BOD:** (Denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

**Building Drain:** Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

**Building Sewer:** See "Sewer Lateral".

**Church:** Shall mean a sanctuary for public worship.

**EPA Administrator:** Means the Administrator of the U.S. Environmental Protection Agency.

**EPA Director:** Means the Director of the U.S. Environmental Protection Agency.

**Floatable Oil:** Is oil, fat or grease in a physical state that will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**Garbage:** Shall mean solid wastes from the domestic and commercial preparation, cooking, and

dispensing of food, and from the handling, storage and sale of produce.

**Garbage, Properly Shredded:** Shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

**Industrial Wastes:** Shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

**Inspector:** Shall mean the person or persons duly authorized by the Village of Swansea to inspect and approve the installation of building sewers and their connection to the public sewer system.

**Milligrams Per Liter:** Shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml. of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

**NPDES Permit:** Means any permit or equivalent documents or requirements issued by the Administrator, or, where appropriate by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

**Person:** Is hereby defined as any individual, partnership, firm, association, company, corporation, society, group or governmental body.

**PH:** Shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed by one of the procedures outlined in "Standard Methods."

**Population Equivalent:** Is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day,

containing 0.22 pounds of BOD and 0.22 pounds of suspended solids.

**ppm:** Shall mean parts per million by weight.

**Public Building:** Shall be defined as a building owned by a public tax-supported subdivision of the State of Illinois.

**Residential Customer:** Shall be defined as a single-family dwelling.

**Schools:** Shall be defined as school buildings, public or parochial.

**Sewage:** Shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

**Sewage Works:** Shall mean all facilities for collecting, pumping, treating and disposing of sewage.

**Sewer:** Shall mean a pipe or conduit for carrying sewage.

**Sewer, Combined:** Shall mean a sewer receiving both surface runoff and sewage.

**Sewer Lateral:** Shall mean that conduit or pipe which connects the building wastewater sources to the public sewer. The lateral commences five feet outside the building foundation wall and terminates at the public sewer. If the lateral enters the public sewer by way of a "T", "Y", or other in-line fitting, the lateral shall include that leg of the fitting by which the lateral accesses the public sewer. If the lateral enters the public sewer by way of a tapping sleeve, the tapping sleeve is also considered a part of the lateral.

**Sewer Mains and Laterals, Sanitary:** Are hereby defined as the sanitary sewer interceptors, mains and laterals of the Village.

**Sewer, Public:** Shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

**Sewer, Sanitary:** Shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

**Sewer, Storm:** Shall mean a sewer which carries surface runoff and to which sewage is not admitted.

**Superintendent:** Shall mean the Superintendent of Public Works of the Village of Swansea, or his authorized deputy, agent or representative.

**Suspended Solids:** Shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."

**Trailers:** Shall be defined as house trailers either movable or located on a lot adjacent to a house.

## CHAPTER 6

### PUBLIC WORKS

#### PART 7

#### USE OF PUBLIC SEWER REQUIRED

- SECTION 6-701. REQUIRED USE OF SEWER.
- SECTION 6-702. UNLAWFUL CONNECTION TO STORM SEWER.
- SECTION 6-703. UNLAWFUL DEPOSIT OF WASTES.
- SECTION 6-704. UNLAWFUL DISCHARGE INTO NATURAL OUTLET.
- SECTION 6-705. UNLAWFUL CONSTRUCTION OF PRIVY.
- SECTION 6-706. WHEN PRIVATE SYSTEM ALLOWED.
- SECTION 6-707. WHEN SEWERS BECOME AVAILABLE.
- SECTION 6-708. OPERATION OF PRIVATE SYSTEM.
- SECTION 6-709. ADDITIONAL REQUIREMENTS.

#### SECTION 6-701. REQUIRED USE OF SEWER.

The owner of any house, building, trailer, coach, mobile home or other property used for human occupancy, employment, recreation or other purpose, situated within the Village of Swansea on any lot, block, tract or parcel of land in which there is now located, or may in the future be located, a public sewer or combined sewer of the Village of Swansea, is hereby required, at his expense, to install suitable toilet facilities therein, and connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so, provided that the public sewer is within two hundred feet (200') of the closest property lines.

#### SECTION 6-702. UNLAWFUL CONNECTION TO STORM SEWER.

It shall be unlawful for any person, firm, or corporation to connect or cause to be connected, any drain carrying, or intended to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances, to any storm sewer or drain in the Village of Swansea.

#### SECTION 6-703. UNLAWFUL DEPOSIT OF WASTES.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the Village of Swansea, or in any area under the jurisdiction of the Village of Swansea, any animal or human excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial waste.

#### SECTION 6-704. UNLAWFUL DISCHARGE INTO NATURAL OUTLET.

It shall be unlawful to discharge to any natural outlet within the Village of Swansea, or in any area under the jurisdiction of the Village of Swansea, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has provided in accordance with subsequent provisions of this Chapter.

#### SECTION 6-705. UNLAWFUL CONSTRUCTION OF PRIVY.

It shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other private sewage disposal facilities, which do not comply with Section 6-706 of this Chapter. This Section shall not restrict the temporary use of self-contained "chemical toilets" or similar facilities, typically used at construction sites or where such facilities are warranted.

#### SECTION 6-706. WHEN PRIVATE SYSTEM ALLOWED.

Where a public sanitary or combined sewer is not available under the provisions of Section 6-701, the Village of Swansea may grant a permit allowing the building sewer be connected to a private sewage disposal system, provided that said system complies with all requirements of the State of Illinois Private Sewage Disposal Licensing Act and Code as administered by the St. Clair County Director of Land Development, and is approved by the inspectors.

**SECTION 6-707. WHEN SEWERS BECOME AVAILABLE.**

At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section 6-701, a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned.

**SECTION 6-708. OPERATION OF PRIVATE SYSTEM.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Village of Swansea.

**SECTION 6-709. ADDITIONAL REQUIREMENTS.**

No statement contained in this Part shall be construed to interfere with any additional requirements that may be imposed by the Village of Swansea Board of Trustees.

## CHAPTER 6

### PUBLIC WORKS

#### PART 8 BUILDING SEWERS AND CONNECTIONS

- SECTION 6-801. UNAUTHORIZED TAMPERING.
- SECTION 6-802. CLASSES OF PERMITS.
- SECTION 6-803. CONSTRUCTION COSTS.
- SECTION 6-804. SEPARATE SEWERS.
- SECTION 6-805. USE OF OLD SEWERS.
- SECTION 6-806. FITTING TYPES AND JOINTS AND CONNECTIONS.
- SECTION 6-807. SLOPE AND SIZE OF SEWER.
- SECTION 6-808. INSPECTION.
- SECTION 6-809. GRAVITY FLOW.
- SECTION 6-810. CONNECTION AT SEWER.
- SECTION 6-811. NOTIFICATION FOR INSPECTION.
- SECTION 6-812. BARRICADES.
- SECTION 6-813. BUILDING SEWER PERMIT.
- SECTION 6-814. RESPONSIBILITY OF MAINTENANCE.

#### SECTION 6-801. UNAUTHORIZED TAMPERING.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Village of Swansea.

#### SECTION 6-802. CLASSES OF PERMITS.

There shall be two (2) classes of building sewer permits:

- (A) For residential and commercial services, and
- (B) For service to establishments producing industrial waste.

In either case, the owner or his agent shall make application on a special form furnished by the Village of Swansea. The permit applications shall be supplemented by the plans, specifications or other information considered pertinent in the judgment of the Inspector.

#### SECTION 6-803. CONSTRUCTION COSTS.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for the owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation.

#### SECTION 6-804. SEPARATE SEWERS.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot, and no private sewer is available or can be constructed to the rear of the building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the Superintendent of Public Works.

#### SECTION 6-805. USE OF OLD SEWERS.

Old building sewers or portions thereof may be used in connection with new buildings only when they are found upon examination and test by the Inspector to meet all requirements of this Chapter.

#### SECTION 6-806. FITTING TYPES AND JOINTS AND CONNECTIONS.

Materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications

of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

#### **SECTION 6-807. SLOPE AND SIZE OF SEWER.**

The size and slope of the building sewers shall be subject to the Plumbing Code and the approval of the Inspector, but in no event shall the diameter be less than four inches (4"). The Village may require larger sized building sewers for locations where the use of said building is subject to frequent change. The slope of any such building sewer shall be not less than one-eighth inch (1/8") per foot. A slope of one-fourth inch (1/4") per foot shall be used wherever practical. A slope of more than one-fourth inch (1/4") per foot shall not be permitted unless within six feet (6') of the main.

#### **SECTION 6-808. NOTIFICATION FOR INSPECTION.**

- (A) The applicant for the building sewer shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.
- (B) It shall be the responsibility of the building owner and his contractor to assure that inspections are requested in accordance with the policies and procedures of the Village of Swansea. If an inspection is requested by the owner or his contractor but can not be performed by the inspector upon his arrival because the work is not yet ready for inspection, or because the work has not been completed in accordance with the Village of Swansea codes and ordinances, and the inspector must therefore leave the site to return at a later time, the Village of Swansea may charge the owner a re-inspection fee of Twenty Dollars (\$20.00).

#### **SECTION 6-809. INSPECTION.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from the frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Inspector. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specifications (Designation C12), except that no backfill shall be in place until the work has been inspected and approved by the Inspector or his representative.

#### **SECTION 6-810. GRAVITY FLOW.**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer, at the expense of the owner. No water-operated sewage ejector shall be used.

#### **SECTION 6-811. CONNECTION AT SEWER.**

The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the Inspector.

#### **SECTION 6-812. BARRICADES.**

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village of Swansea.

#### **SECTION 6-813. BUILDING SEWER PERMIT.**

A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewage facilities, including sewers, pump stations and wastewater treatment facilities have sufficiently served capacity to adequately and efficiently handle the additional anticipated waste load.

#### **SECTION 6-814. RESPONSIBILITY OF MAINTENANCE.**

After application and connection of sewer laterals is completed the owner or owners of the property connected to the sewer laterals shall be responsible for and pay for all labor, material, and other costs associated with maintenance, repair or other work to be performed upon any sewer lateral without regard to where said sewer laterals are located in relation to the property of an owner.

## CHAPTER 6

### PUBLIC WORKS

#### PART 9

#### RESTRICTIONS ON THE USE OF PUBLIC SEWERS

- SECTION 6-901. DISCHARGES RESTRICTED.
- SECTION 6-902. DISCHARGES OF UNPOLLUTED DRAINAGE.
- SECTION 6-903. PROHIBITED DISCHARGES.
- SECTION 6-904. INDUSTRIAL USER COST RECOVERY SYSTEM.
- SECTION 6-905. DISCHARGES - DETERMINATION OF ACCEPTANCE.
- SECTION 6-906. ACTION BY VILLAGE ON PROHIBITED DISCHARGES.
- SECTION 6-907. INTERCEPTORS PROVIDED.
- SECTION 6-908. MAINTENANCE REQUIRED AT FACILITIES.
- SECTION 6-909. MANHOLE REQUIRED.
- SECTION 6-910. MEASUREMENTS, TESTS AND ANALYSES.
- SECTION 6-911. DETERMINING REGULATIONS ON MEASUREMENTS, TESTS, AND ANALYSES.
- SECTION 6-912. SPECIAL AGREEMENTS.
- SECTION 6-913. PROTECTION FROM DAMAGE.

#### SECTION 6-901. DISCHARGES RESTRICTED.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

#### SECTION 6-902. DISCHARGES OF UNPOLLUTED DRAINAGE.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village of Swansea. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village of Swansea to a storm sewer or natural outlet.

#### SECTION 6-903. PROHIBITED DISCHARGES.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (A) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas.
- (B) 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.

- (C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

#### SECTION 6-904. INDUSTRIAL USER COST RECOVERY SYSTEM.

No industrial user may discharge sewage into any public sewer until the Village of Swansea has adopted an industrial cost recovery system which:

- (A) Meets the requirements of Section 204(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. Sections 1251, et seq.) and applicable federal regulations; and

(B) Has been approved by the Agency in accordance with the conditions of any grant made to the Village of Swansea by the United States Environmental Protection Agency or by the State of Illinois for the construction of any part of the sewer system or sewage treatment works of the Village of Swansea.

#### **SECTION 6-905. DISCHARGES - DETERMINATION OF ACCEPTANCE.**

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Village of Swansea, that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Village will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and maximum limits established by regulatory agencies. The substances prohibited are:

- (A) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150 Degrees F. - 60 Degrees C.).
- (B) Any waters or wastes containing toxic or poisonous materials or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit (32 degrees and 150 degrees F. - 0 degrees and 65 degrees C.)
- (C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (.076 hp metric) or greater shall be subject to the review and approval of the Village of Swansea.
- (D) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (E) Any waters or wastes containing iron, chromium, copper, zinc, or 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 Village for such materials.

(F) Any waters or wastes containing phenols or other taste-or-odor-producing substances, in such concentrations exceeding limits which may be established by the Village of Swansea as necessary after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable state and federal regulations.

(H) Any waters or wastes having a pH in excess of 9.5.

(I) Any mercury or any of its compounds in excess of 0.0005 mg/1 as Hg at any time, except as permitted by the Village of Swansea in compliance with applicable state and federal regulations.

(J) Any cyanide in excess of 0.025 mg/1 at any time, except as permitted by the Village of Swansea in compliance with applicable state and federal regulations.

(K) Materials, which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(4) Unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

(L) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

#### **SECTION 6-906. ACTION BY VILLAGE ON PROHIBITED DISCHARGES.**

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6-905 of this

Part, and/or which are in violation of the standards for pre-treatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128 - Pre-treatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973, and any amendments thereto, which, in the judgment of the Village of Swansea 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 Village of Swansea may:

- (A) Reject the wastes;
- (B) Require pre-treatment to an acceptable condition for discharge to the public sewers;
- (C) Require control over the quantities and rates of discharge; and/or
- (D) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 6-911 of this Part.

If the Village permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village and subject to the requirements of all applicable codes, ordinances, and laws.

#### **SECTION 6-907. INTERCEPTORS PROVIDED.**

Grease, oil, and sand interceptors shall be provided in accordance with the Illinois State Plumbing Code to assure the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village of Swansea and shall be located so as to be readily and easily accessible for cleaning and inspection. All Fast food and sit-down restaurants shall install a grease interceptor with a capacity of at least one thousand five hundred (1,500) gallons, and designed in accordance with Illustration 6-A(1). Food establishments that serve a minimum amount of fried foods such as deli sandwich shops, shall install a grease interceptor with a capacity of at least one thousand (1,000) gallons, and designed in accordance with Illustration 6-A(2).

#### **SECTION 6-908. MAINTENANCE REQUIRED AT FACILITIES.**

Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

#### **SECTION 6-909. MANHOLE REQUIRED.**

Each industry shall be required to install a control manhole and when required by the Village of Swansea, the owner of any property serviced by a building sewer carrying industrial wastes shall 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 accessibly and safely located and shall be constructed in accordance with plans approved by the Village of Swansea. 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.

#### **SECTION 6-910. MEASUREMENTS, TESTS AND ANALYSES.**

The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this code and any special conditions for discharge established by the Village of Swansea or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village of Swansea, but no less than once per year, the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the federal, state, and local standards are being met.

The owner shall report the results of measurements and laboratory analyses to the Village of Swansea at such times and in such manner as prescribed by the same. The owner shall bear the expense of all measurements, analyses and reporting required by the Village of Swansea. At such times as deemed necessary, the Village of Swansea reserves the right to take measurements and samples for analysis by an outside laboratory service.

#### **SECTION 6-911. DETERMINING REGULATIONS ON MEASUREMENTS, TESTS, AND ANALYSES.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this code shall be determined in accordance with the latest edition of "Standard Methods for 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 twenty-four (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 solid analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas ph's are determined from periodic grab samples.]

#### **SECTION 6-912. SPECIAL AGREEMENTS.**

No statement contained in this Part shall be construed as preventing any special agreement or arrangement between the Village of Swansea and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the Village of Swansea for treatment, subject to payment therefore by the industrial concern, provided such payments are in accordance with federal and state guidelines for User Charge System and Industrial Cost Recovery System.

#### **SECTION 6-913. PROTECTION FROM DAMAGE.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**CHAPTER 6**  
**PUBLIC WORKS**

**PART 10**  
**POWERS AND AUTHORITY OF INSPECTORS**

- SECTION 6-1001. RIGHT OF ENTRY.**  
**SECTION 6-1002. SAFETY RULES OBSERVANCE.**  
**SECTION 6-1003. EASEMENTS.**

**SECTION 1-1001. RIGHT OF ENTRY.**

Any duly authorized employee or Inspector of the Village of Swansea, the Illinois Environmental Protection Agency and the U. S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurements, sampling and testing in accordance with the provisions of this code. The Inspector or his representative(s) shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

**SECTION 6-1002. SAFETY RULES OBSERVANCE.**

While performing the necessary work on private properties referred to in Section 6-1001, the Inspector or duly authorized employee of the Village of Swansea, the Illinois Environmental Protection Agency and the U. S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village of Swansea employees and the Village shall indemnify the company against loss or damage to its property by Village of Swansea employees and against liability claims and demand for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required herein.

**SECTION 1-1003. EASEMENTS.**

The Inspector and other duly authorized employees of the Village of Swansea bearing proper credentials and identification shall be permitted to enter all private properties through which the Village of Swansea holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

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## CHAPTER 6

### PUBLIC WORKS

#### PART 11

#### WASTEWATER SERVICE CHARGES

- SECTION 6-1101. BASIS FOR WASTEWATER SERVICE CHARGES.
  - SECTION 6-1102. MEASUREMENT OF FLOW.
  - SECTION 6-1103. DEBT SERVICE CHARGE.
  - SECTION 6-1104. BASIC USER CHARGE.
  - SECTION 6-1105. SURCHARGE RATE.
  - SECTION 6-1106. COMPUTATION OF SURCHARGE.
  - SECTION 6-1107. COMPUTATION OF WASTEWATER SERVICE CHARGE.
  - SECTION 6-1108. TAP-IN FEE.
  - SECTION 6-1109. SEPTIC SYSTEM SLUDGE.
  - SECTION 6-1110. INSPECTION FEES.
  - SECTION 6-1111. WASTEWATER SERVICE CHARGES FOR NON-RESIDENTS.
- (Ord 1686, 11/04/13)*

#### SECTION 6-1101. BASIS FOR WASTEWATER SERVICE CHARGES.

The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village of Swansea shall consist of a basic user charge for operation and maintenance plus replacement, a debt service charge and a surcharge if applicable.

(A) **Debt Service Charge.** The debt service charge shall be computed by dividing the annual debt service for all outstanding bonds by the number of users. Through further divisions, the monthly and quarterly debt service charges

(B) **Basic User Charge.** The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

- (1) A five (5) day, twenty degree Celsius (20 degree C.) biochemical oxygen demand (BOD) of 260 mg/1.
- (2) A suspended solids (SS) content of 260 mg/1. It shall consist of operation and maintenance costs, plus replacement and shall be computed as follows:
- (3) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.

(4) Proportion the estimated costs to wastewater facility categories by Volume, Suspended Solids and BOD, if possible.

(5) Estimate wastewater Volume, pounds of SS and pounds of BOD to be treated.

(6) Proportion the estimated costs to non-industrial and industrial users by Volume, Suspended Solids and BOD.

(7) Compute costs per one hundred (100) cubic feet for normal sewage strength.

(8) Compute surcharge costs per hundred (100) cubic feet per mg/1 in excess of normal sewage strength for BOD and SS.

(C) **Surcharge.** A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (260 mg/1) and SS (260 mg/1). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes, which exceed the 260 mg/1, and 260-mg/1 concentration for BOD and SS respectively. Sections 8-805 and 8-806 specify the procedure to compute a surcharge.

(D) **Review of Service Charge.** The adequacy of the wastewater service charge shall be reviewed annually by certified public accountants for the Village of Swansea in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs including replacement costs.

**SECTION 6-1102. MEASUREMENT OF FLOW.**

The volume of flow used for computing basic water user charges and surcharges shall be the metered water consumption read to the lowest even increments of one hundred (100) cubic feet.

- (A) If the person discharging wastes into the public sewers procures any part of all of his water from sources other than from the Illinois-American Water Company, all or part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Village of Swansea for the purpose of determining the volume of water obtained from these other sources. Charges shall then be based upon readings from said meters.
- (B) Devices for measuring the volume of waste discharged may be required by the Village of Swansea if these volumes cannot otherwise be determined from the metered water consumption records.
- (C) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Village of Swansea.

**SECTION 6-1103. DEBT SERVICE CHARGE.**

- (A) ~~Effective with those sewer bills dated April 30, 2009, June 30, 1996, the Debt Service Charge shall be \$16.70 bi-monthly, August 31, 2006 the Debt Service Charge shall be \$18.00 bi-monthly, August 31, 2008, the Debt Service shall be \$12.40 monthly \$24.80 bi-monthly,~~ and shall thereafter be billed at the changed rate to each unit connected to the wastewater facility of the Village of Swansea, and shall continue to be billed at all times that said unit is connected to the wastewater facility, regardless of whether usage has occurred during the billing period. (Ord 1415, 6/6/05) (Ord 1520, 6/16/08) (Ord 1530, 8/18/2008) (Ord 1547, 04/27/209)
- (B) If the owner or person in possession of said units does not notify the Village of Swansea within sixteen (16) days from the date of billing, it shall be deemed that the owner, or person in possession, has been correctly billed as to the number of units shown on the bill.

**SECTION 6-1104. BASIC USER CHARGE.**

~~Effective with those sewer bills dated April 30, 2009, June 30, 1996, the Basic User Charge for the use of, and for treatment services supplied by, the~~

~~wastewater facility of the Village of Swansea shall be ONE DOLLAR AND THIRTY-THREE CENTS (\$1.33) August 21, 2006, the Basic User Charge for the use of, and for treatment service supplied by, the wastewater facility of the Village of Swansea shall be ONE DOLLAR AND SIXTY CENTS (\$1.60) August 31, 2008, the Basic User Charge for the use of, and for treatment service supplied by, the wastewater facility of the Village of Swansea shall be TWO DOLLARS AND FORTY-EIGHT CENTS (\$2.48) per every 100 cubic feet of water consumption, as measured at each water meter. Said charge shall thereafter be applied against all users, and billed bi-monthly monthly bi-monthly (Ord 1415, 6/6/05) (Ord 1520, 6/16/08) (Ord 1530, 8/18/2008) (Ord 1547, 04/27/09)~~

**SECTION 6-1105. SURCHARGE RATE.**

The rates of surcharge for BOD's and SS shall be as follows:

Increase for Bod concentrations/ - 0.86(0.4) = \$0.0013/ppm  
100 cubic feet above 260 ppm 260

Increase for SS concentrations/ - 0.86(0.4) = \$0.0013/ppm  
100 cubic feet above 260 ppm

These rates have been established by allocating 40% of the treatment facility costs to SS and 20% of the treatment facility costs to flow.

**SECTION 6-1106. COMPUTATION OF SURCHARGE.**

The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Village of Swansea and shall be binding as a basis for surcharges.

**SECTION 6-1107. COMPUTATION OF WASTEWATER SERVICE CHRG.**

The wastewater service charge shall be computed by the following formula:

$$SC = DS + (BC \times V) + SU \text{ (If applicable)}$$
~~$$SC = 10.53 + (0.87 \times V) + SU \text{ (If applicable)}$$~~

Where SC = Amount of wastewater service charge (\$) per billing period.

DS = Debt service charge (Section 6-1103)  
V = Wastewater volume for the billing period  
BU = Basic user rate for operation, maintenance and replacement (Section 6-1104)

SU = Amount of surcharge (Sections 6-1105 and 6-1106)

~~Effective with these sewer bills dated April 30, 1994:~~

~~$SC = 25.05 + (1.33 \times V) + SU$  (If applicable)~~

~~Effective with these sewer bills dated June 30, 1996:~~

~~$SC = 16.70 + (1.33 \times V) + SU$  (If applicable)~~

~~Effective with these sewer bills dated August 31, 2005:~~

~~$SC = 18.00 + (1.60 \times V) + SU$  (If applicable)~~  
(Ord 6/6/2005)

~~Effective with these sewer bills date August 31, 2008:~~

~~Effective with the sewer bills dated after August 31, 2008:- April 30, 2009, (Ord 1547, 04/27/09),~~

~~$SC = 12.40 + (2.48 \times V) + SU$  (if applicable)~~  
(Ord 1520, 6/16/08) (Ord 1530, 8/18/2008)

#### SECTION 6-1108. TAP-IN-FEE.

Sewer connection to the sanitary sewer mains or laterals of the Village of Swansea located within same shall be made by application filed with the Village Clerk. The applicant for such sewer connection shall pay all costs of labor and materials for installing the sewer connection and installation may be made only after the issuance by the Village of Swansea of a permit authorizing the sewer connection and specifying the size, grade, and material thereof. Such sewer connection shall impose liability for a period sewer charge. The permit fee for such sewer connection shall be as follows:

- (A) Single Family Residential: \$1000.00 per unit within the Village corporate limits
- (B) Multiple Family, Residential: \$1000.00 per unit within the Village corporate limits.
- (C) Mobile Home: \$1000.00 for each mobile home within the Village corporate limits.
- (D) Public Building, Schools, and Churches: \$1000.00 per unit within the Village corporate limits.
- (E) Commercial: \$1500.00 for first 1,200 square feet and \$750.00 for each additional 1,200 square feet or fraction thereof, to a maximum of \$5000.00.
- (F) Hotels, Motels, Hospitals, and Nursing Homes: \$600.00 for first 1,200 square feet and \$400.00

for each additional 1,200 square feet or fraction thereof.

- (G) Ravenel Subdivision: \$1,200.00 per unit, paid as follows:

Two thousand four hundred dollars (\$2,400.00) for each Duplex, whether or not both units of the duplex are to be "finished off".

One thousand two hundred dollars (\$1,200.00) per unit, with a minimum of four thousand eight hundred dollars (\$4,800.00) for each condominium building of up to four units, regardless of the final number of units in each building, or whether or not every unit within the building will be "finished off". (Ord 1365, 04/05/04)

One thousand two hundred dollars (\$1,200.00) for each single-family lot.

One thousand two hundred dollars (\$1,200.00) for the Hobby & Garden Center.

One thousand two hundred dollars (\$1,200.00) for the Club House.

- H) That all fees stated in this Section shall be double the amount for units outside the Village corporate limits, excluding St Clair Township Facility Planning Area.

#### SECTION 6-1109. SEPTIC SYSTEM SLUDGE.

The Village of Swansea Wastewater Treatment Plant shall accept for appropriate treatment or disposal, any septic system sludge generated by any private residence within the Village of Swansea, or within any other unit of local government within St. Clair County, which is not served by its own wastewater treatment facility, in accordance with the following:

- A) Payment shall be made in the form of a check payable to the Village of Swansea, at the time such sludge is accepted at the Wastewater Treatment Plant.
- B) The charge for such treatment and disposal shall be at a rate of 3 cents per gallon, based upon the maximum capacity in gallons of the tank used to transport said sludge to the plant, whether said tank is completely or partially full.
- C) The minimum charge for such treatment and disposal shall be fifty dollars (\$50.00).
- D) The company transporting sludge to the Village of Swansea Wastewater Treatment Plant for treatment and disposal, shall provide written certification that said sludge was generated by a private residence, and provide the address of that residence, noting whether it is within the Village of Swansea, or within another unit of local

government in St. Clair County which does not provide its own wastewater. *IL. Com. Stat. Ch. 415 § 5/12.3*)

#### **SECTION 6-1110. INSPECTION FEES.**

Single Family, Residential: \$25.00 per unit within the Village corporate limits

Multiple Family, Residential: \$25.00 per unit within the Village corporate limits

Mobile Home: \$25.00 for each mobile home, whether or not within a mobile home court within the Village corporate limits

Public Building, Schools: \$25.00 per unit within the Village corporate Churches limits

Commercial: \$25.00 per unit within the Village corporate limits

That all fees stated in this Section shall be double the amount for units outside the Village corporate limits, excluding St Clair Township Facility Planning Area. This Ordinance shall be effect for all currently platted subdivision on July 1, 2001.

#### **SECTION 6-1111. WASTEWATER SERVICE CHARGES FOR NON-RESIDENTS.**

(A) Absent any agreement to the contrary, any residential and/or commercial sewage received from any source outside the corporate limits of the Village of Swansea, whether located within another municipal corporation or not, shall be charged 1.5 times the current Village Fee User Rate. Said Village Fee User Rate shall be computed in accordance with the preceding sections of this Part.

This Non-Resident Fee User Rate shall be directly billed by the Village to the non-resident consumer.

(B) Absent any agreement to the contrary, the tap-in fee for a user of the Village of Swansea Waste Water Treatment Plant located outside the corporate limits of the Village of Swansea, whether located within another municipal corporation or not, shall be two times the then current tap-in fee schedule as found in Section 6-1108 of this Part.

This Non-Resident Tap-In fee shall be directly billed by the Village to the non-resident consumer. (Ord 1686, 11/04/13)

## CHAPTER 6

### PUBLIC WORKS

#### PART 12 GENERAL SEWER REGULATIONS

- SECTION 6-1201. PRIVATE WATER SYSTEM.
- SECTION 6-1202. MULTIPLE UNITS SERVED BY SINGLE METER.
- SECTION 6-1203. DEDUCTIONS FOR WATER NOT ENTERING SEWER.
- SECTION 6-1204. AUTHORITY TO DEDUCT.
- SECTION 6-1205. APPLICATION FOR METER.
- SECTION 6-1206. OWNER-OCCUPANT LIABILITY.
- SECTION 6-1207. PENALTY FOR NON-PAYMENT.
- SECTION 6-1208. LIEN RIGHTS AND COLLECTION.
- SECTION 6-1209. WATER SERVICE DISCONTINUED.
- SECTION 6-1210. SERVICE DISCONTINUED.
- SECTION 6-1211. UTILITY CONTROL COORDINATOR.
- SECTION 6-1212. ACCOUNTS.
- SECTION 6-1213. NOTICE OF RATES.
- SECTION 6-1214. ACCESS TO RECORDS.

#### SECTION 6-1201. PRIVATE WATER SYSTEM.

From and after this Code becomes effective, all residential, commercial, industrial and other establishments having private water supplies, which are not metered, shall be billed for sewer service based upon water consumed as estimated by the Village Board of Trustees or its authorized representative.

#### SECTION 6-1202. MULTIPLE UNITS SERVED BY SINGLE METER.

If any premises should contain multiple units (such as residences or businesses) with each unit discharging sewage directly or indirectly into the sewage system of the Village of Swansea, but each unit does not have a separate water meter, then each unit shall pay a debt service charge of eighteen dollars (\$18.00) bi-monthly, effective August 31, 2005, and shall be billed for sewer service based on a rate computed as follows:

(A) Divide the total number of individual units connected to any one (1) meter into the bi-monthly usage in cubic feet, as read on the meter, and then apply the rates as set forth in Section 6-1104 herein to each of the units as if the usage, as read, was actually equally distributed among all units served by that meter.

(B) If the owners do not notify the Village of Swansea within sixteen (16) days from the date of the first bill for such a location, it shall be deemed that

the owners have been billed correctly as to the number of units shown on the bill, that said units do not have more than one (1) meter showing their water consumption, and that the total water used is equally attributable to each unit.

(C) If the owners believe that one (1) or more of the units served by a single meter use an appreciably higher percentage of the water read by the meter than the other units, they shall jointly agree upon the percentage of use attributable to each unit, and shall provide that information to the Village of Swansea, in writing and signed by each of the owners. The Village of Swansea shall then multiply the bi-monthly usage in cubic feet, as read on the meter, by the percentage of use attributable to each unit, and then apply the rates as set forth in Section 6-1104 herein to each of the units as if the usage, as read, was actually distributed among all units served by that meter in accordance with those percentages. The distribution as submitted in writing by the owners, shall continue with each bi-monthly billing thereafter.

(D) Should the owners be unable to agree upon the percent of usage attributable to each unit, the Village of Swansea shall bill each unit for usage in accordance with Section 6-1202 (A) herein.

#### SECTION 6-1203. DEDUCTIONS FOR WATER NOT ENTERING SEWER.

The Village of Swansea shall have the authority to allow deductions on sewer bills for water, which is

used but does not enter the sanitary sewer system. In every case, a request for deduction shall be made by written application on forms provided by the Village of Swansea and shall be subject to the following regulations:

- (A) No deductions shall be granted for users of the sewer system who do not have a metered water supply.
- (B) No deductions shall be granted for users of the sewer system who are delinquent in their payments to the Village for such service.
- (C) One Hundred percent (100%) of any used water for which a deduction is requested, must have been prevented from entering the sanitary sewer system.
- (D) The President and the Swansea Village Board of Trustees, or its authorized representative, shall determine which used waters are eligible for discharge to some point other than the sanitary sewer system, and shall have the authority to prohibit discharges which they determine to be potentially harmful to the public health, safety, or welfare, provided, however, that no used water which contains suspended matter in any form (organic or inorganic), or which contains any dissolved substances, shall be eligible for discharge to any point other than the sanitary sewer system, including storm sewers or any other watercourse, without approval of the State Sanitary Water Board.
- (E) Metered Deductions. Users who, at their own expense, install a meter which measures water not entering the sanitary sewer system, shall be eligible for deduction of that used water throughout the year.
  - (1) Any such meter shall be of an approved design, shall be registered with the Utility Control Clerk of the Village of Swansea prior to use, and shall be used only by the user to whom it is registered and at the service location to which it is assigned.
  - (2) Thereafter, the user shall periodically bring said meter to the Utility Control Clerk where it may be read and those readings utilized to determine any metered usage since the previous reading.
  - (3) The Utility Control Clerk shall then credit the user's sewer account by subtracting the previous reading from the current reading, as taken from the meter, multiplying the difference by the current Basic User Charge, and then deducting 100% of that product from the next bi-monthly billing.
- (4) The President and the Swansea Village Board of Trustees, or their designated representative, shall have authority over the installation of meters used for deduction and, from time to time, may test the accuracy of said meters. Any necessary repairs to such meters shall be at the user's expense.
- (F) Special Occurrence Deduction. Users may apply for a Special Occurrence Deduction in the event that a leak in water service lines allows metered water to discharge on their property to some point other than the sanitary sewer system.
  - (1) Following submission of an application for Special Occurrence Deduction, the Utility Control Clerk shall verify the presence of a leak that said leak was repaired, and that the leak was of such a nature that water discharged through said leak did not enter the sanitary sewer system.
  - (2) A Special Occurrence Deduction shall be calculated by determining the user's average consumption during the five (5) billing cycles immediately preceding the billing cycle during which the leak occurred, and then subtracting that average, from the consumption for said billing cycle. The Utility Control Coordinator shall then credit the user's sewer account by multiplying that difference by the current Basic User Charge, and deducting 90% of that product from the next billing cycle.
- (G) Annual Summer Usage Deduction. All users other than those who receive Metered Deductions under Section 6-1203(E) above, may apply for an Annual Summer Usage Deduction in accordance with the provisions of their Subsection.
  - (1) Annual Summer Usage Deductions shall be granted only to the owner of the property, and not to any renter thereof.
  - (2) Users must have resided at the service location from which they are requisition a Summer Usage Deduction for a period of at least one (1) year prior to said request.
  - (3) A Summer Usage Deduction shall be granted once annually with the October 30th billing, provided that applications for such deductions has been submitted by the user between September 15th and October 15th of that year.
  - (4) A Summer Usage Deduction shall be calculated by determining the user's average consumption during the four (4) bi-monthly billings immediately preceding May of the

current calendar year, and then determining the difference between that average and the consumption for the usage read from May 1 through September 30th of the current calendar year. The Village shall then credit the user's sewer account by deducting fifty percent (50%) of the difference between that average and the consumption for usage during May through September, from the water consumption reported to the Village of Swansea by the water company, for the next billing cycle.

#### **SECTION 6-1204. AUTHORITY TO DEDUCT.**

Authority to grant deductions in accordance with Section 6-1203(E) shall be delegated by the President and Village of Swansea Board of Trustees to the Utility Control Coordinator and chairperson of applicable Board of Trustees Committee, provided that any request for such a deduction complies with all requirements of said Section.

#### **SECTION 6-1205. APPLICATION FOR METER.**

- (A) Wherever the foregoing methods for the computation of water discharged to the sanitary sewer may seem impracticable, the sewer user may make application to the President and the Swansea Village Board of Trustees for permission to meter water discharged only to the sanitary sewer. If, upon investigation of the premises, the President and the Swansea Village Board of Trustees approve application, the necessary meter or meters shall be installed by the sewer user so as to measure all water discharged into the sanitary sewer and the readings of this meter or meters shall be taken as the basis for the sewer charge, which charge shall be calculated in accordance with the rates herein provided.
- (B) The President and the Swansea Village Board of Trustees shall designate the make and type of meter to be installed by the sewer user and supervise the installation and shall test these meters whenever deemed necessary by the President and the Swansea Village Board. All necessary repairs to such meters shall be made by the Village of Swansea and charged to the sewer user.

#### **SECTION 6-1206. OWNER-OCCUPANT LIABILITY.**

- (A) The owner of any premises served by the Village of Swansea Sewer System and the occupant thereof, and any user thereof, shall be jointly and severally liable to pay for all services provided to

the premises whether utilized by the owner or any occupant, tenant, or other user thereof.

- (B) Bills for such services shall be mailed to the owner of record, at the service address or at an address provided by said owner, and shall include all current and past due charges for the premises in question, regardless of whether services were utilized by the owner or any occupant, tenant, or other user thereof.

#### **SECTION 6-1207. PENALTY FOR NON-PAYMENT.**

- (A) Bills shall be rendered bi-monthly and shall be payable on or by the sixteenth (16th) day following the date of the billing. If payment of the full amount of the bills is not made by the due date of the original bill, then a penalty of ten percent (10%) of the amount of the bill shall be added and collected.
- (B) Said ten percent (10%) penalty shall be computed by taking the percentage times the actual unpaid balance of each bi-monthly bill for sewer service.

#### **SECTION 6-1208. LIEN RIGHTS AND COLLECTION.**

- (A) Whenever a bill for sewer services remains unpaid for thirty (30) days after it has been rendered, the Village of Swansea Treasurer may file with the Recorder of Deeds, St. Clair County, Illinois a statement of lien claim. This statement shall contain a legal description of the premises served, the amount of the unpaid bill and the notice that the Village of Swansea claims a lien for this amount as well as for all charges for sewer service subsequent to the period covered by the bill.
- (B) If a consumer whose bill is unpaid is not the owner of the premises, the Village of Swansea Utility Control Coordinator shall notify by certified mail the owner of the premises, if his address be known to the Utility Control Coordinator, whenever such bill remains unpaid for a period of thirty (30) days after it has been rendered. The failure of the Village of Swansea Treasurer to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclosure of the lien pursuant to statutes of the State of Illinois for unpaid sewer bills mentioned in the foregoing paragraph or to otherwise pursue other collection procedures available.
- (C) If a bill for sewer services remains unpaid for a period of thirty (30) days the customer shall be liable for reasonable attorney's fees and costs of

litigation in connection with collection of said delinquent sum.

**SECTION 6-1209. WATER SERVICE DISCONTINUED.** (Ord 1435, 12/05/05)

(A) Whenever a bill for sewer service remains unpaid for thirty (30) days after it has been rendered, the Village of Swansea has signed an agreement with the Illinois-American Water Company to turn off the water source at said location. A statement shall contain a legal description of the premises served, the amount of the unpaid bill, and the notice that the Village of Swansea claims an amount as well as for all charges for sewer service and water service subsequent to the period covered by the bill.

(B) If the charges for sewerage service are not paid within thirty (30) days after the rendition of the bill for such service and the property is *unoccupied*, the water service may be discontinued without further notice by removing the water meter and shall not be reinstated until all past due bills, filing fees, court costs, and attorney's fees associated with said turn off fees, as well as any turn on fees, charges associated with reconnection to the American Water System, and reimbursement for costs associated with the previous disconnection from said water system, are paid in full.

(C) If the charges for sewerage service are not paid within thirty (30) days after the rendition of the bill for such service and the property is *occupied*, the water service may be discontinued upon the following terms:

(1) The Village shall direct notice to the last known address of the owner, via first class United States mail service, of its intent to discontinue water service to the address of the affected property not less than thirty (30) days prior to any disconnection.

(2) If the charges are not paid in full prior to the disconnection date specified in the notice, then the water at the property may be disconnected without further notice.

(3) Any person affected by the water being disconnected may obtain a hearing before the Village of Swansea Board of Trustees by requesting, in writing, a review of the decision by the Village to have the American Water Company disconnect the water. Said request shall be made within fourteen (14) days of the date said notice was posted on the affected property.

(4) The party requesting a hearing before the Board shall have the right to be represented by counsel of their choice and shall be permitted to call witnesses on behalf of the party.

(5) The Village of Swansea Board of Trustees shall render its decision at the conclusion of the hearing.

(D) Municipal water service to any property previously disconnected shall not be reconnected until all past due bills, water company fees, filing fees, court costs, and attorney's fees associated with said disconnection and reconnection are paid in full.

(E) If a customer whose bill is unpaid is not the owner of the premises, the Village of Swansea Utility Control Coordinator shall notify by certified mail to the owner of the premises, if his or her address be known to the Utility Control Coordinator, whenever such bill remains unpaid for a period of thirty (30) days after it has been rendered. The failure of the Village of Swansea to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to disconnect the water source to the location to statutes of the State of Illinois for unpaid sewer bills mentioned in the foregoing paragraph or to otherwise pursue other collection procedures available. (Ord 1435, 12/05/05)

**SECTION 6-1210. SERVICE DISCONTINUED.**

(A) If the charges for sewage service are not paid within thirty (30) days after the rendition of the bill for such service and the property is *unoccupied*, the service may be discontinued without further notice by removing the sewer lateral tap-in at the municipal sewer main, and shall not be reinstated until all past due bills, filing fees, court costs, and attorney's fees associated with said disconnection, as well as any tap-in fees, charges associated with reconnection to the Village sewer system, and reimbursement for costs associated with the previous disconnection from said sewer system, are paid in full.

(B) If the charges for sewerage service are not paid within thirty (30) days after the rendition of the bill for such service and the property is *occupied*, the service may be discontinued upon the following terms:

(1) The Village shall direct notice to the last known address of the owner, via first class United States mail service, of its intent to discontinue service to the address of the affected property not less than thirty (30) days prior to any disconnection. In addition, the Village shall cause a copy of said notice

to be posted on the affected property. Said notice shall be given not less than sixty (60) days prior to disconnection.

- (2) If the charges are not paid in full prior to the disconnection date specified in the notice, then the property may be disconnected without further notice.
  - (3) Any person affected by a notice of disconnection may obtain a hearing before the Village of Swansea Board of Trustees by requesting, in writing, a review of the decision by the Village to disconnect. Said request shall be made within fourteen (14) days of the date said notice was posted on the affected property.
  - (4) The party requesting a hearing before the Board shall have the right to be represented by counsel of their choice and shall be permitted to call witnesses on behalf of the party.
  - (5) The Village of Swansea Board of Trustees shall render its decision at the conclusion of the hearing.
- (C) Any property disconnected from the municipal sewer system shall be required to provide a private sewage system (aerator) to service said property, pursuant to 225 ILCS 225/6.
- (D) Municipal sewerage service to any property previously disconnected from the Village sewer system shall not be reinstated until all past due bills, filing fees, court costs, and attorney's fees associated with said disconnection, as well as any tap-in fees, charges associated with reconnection to the Village sewer system, and reimbursement for costs associated with the previous disconnection from said sewer system, are paid in full.

#### **SECTION 6-1211. UTILITY CONTROL COORDINATOR.**

It is hereby made the duty of the Utility Control Coordinator of the Village of Swansea to render bills for sewage service and all other charges in connection therewith, and to collect all monies due there from.

#### **SECTION 6-1212. ACCOUNTS.**

The Village of Swansea 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 sewerage system, and at regular

annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate the sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet those regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (A) Flow data showing total gallons received at the wastewater plant for the current fiscal year.
- (B) Billing data to show total number of gallons billed.
- (C) Debt service for the next succeeding fiscal year.
- (D) Number of users connected to the system.
- (E) Number of non-metered users.
- (F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

#### **SECTION 6-1213. NOTICE OF RATES.**

A copy of Section 6, Part 11 properly certified by the Village of Swansea Clerk shall be filed in the Office of the Recorder of Deeds of this County and shall be deemed notice to all owners of real estate of the charges of the sewerage system of said Village on their properties. If rates are changed, notice of said changes shall be sent to each user with next regular billing is made.

#### **SECTION 6-1214. ACCESS TO RECORDS.**

The Illinois Environmental Protection Agency or its authorized representatives shall have access to any books, documents, papers, and records of the Village of Swansea which is applicable to the Village system of user charges or industrial cost recovery for the purpose of making audit examination excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any state grant.

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**CHAPTER 6**  
**PUBLIC WORKS**

**PART 13**  
**PENALTIES**

- SECTION 6-1301. NOTICE OF VIOLATION.**  
**SECTION 6-1302. CONTINUING VIOLATION - FINE.**  
**SECTION 6-1303. LIABILITY.**

**SECTION 6-1301. NOTICE OF VIOLATION.**

Any person found to be violating any provision of this Chapter, except Section 6-913, shall be served by the Village of Swansea with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

**SECTION 6-1302. CONTINUING VIOLATION - FINE.**

Any person who shall continue any violation beyond the time limit provided in this Part shall be guilty of a misdemeanor, and upon conviction thereof, shall be

fined in an amount no less than Twenty-Five Dollars (\$25.00) and not more than Five-Hundred Dollars (\$500.00) for each violation. Each day on which any such violation shall continue shall be deemed a separate offense.

**SECTION 6-1303. LIABILITY.**

Any person violating any of the provisions of this Chapter shall become liable to the Village of Swansea for any expense, loss, or damage occasioned the Village of Swansea by reason of such violation.

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