

WATER SERVICE

Chapter 84

WATER SERVICE

ARTICLE I  
Termination

- § 84-1. Village authorized to discontinue service.
- § 84-2. Notice.
- § 84-3. Restoration of service.
- § 84-4. When effective.
- § 84-4.1. Penalty for delinquent payment.

ARTICLE II  
Private Wells and Water Supplies

- § 84-5. New wells banned.
- § 84-5.1. Geothermal heating/cooling systems.

ARTICLE III  
Setting of Water and Sewer Rents

- § 84-6. Authorization to set by resolution.
- § 84-7. Manufacturing use of water.
- § 84-8. Modification by resolution.

[HISTORY: Adopted by the Board of Trustees of the Village of Liberty as indicated in article histories. Amendments noted where applicable.]

## GENERAL REFERENCES

Water rents — See Ch. 83.

## ARTICLE I

**Termination**

[Adopted 5-20-1985 by L.L. No. 1-1985]

**§ 84-1. Village authorized to discontinue service.**

The Village of Liberty may discontinue providing water to any customer or user who is delinquent in payment of water rents or other charges or fees 60 days or longer.

**§ 84-2. Notice.**

Prior to any such termination, the Village shall give not less than 10 days' written notice of its intention to so terminate water service to the name and address shown on the customer or user account by regular mail or, at the option of the Village Clerk, by certified mail, return receipt requested. Said notice shall be effective upon mailing.

**§ 84-3. Restoration of service.**

Prior to the restoration of water service to any such discontinued customer or user, the Village may require payment to it, in advance, of all arrears, together with the costs of termination and restoration of the service.

**§ 84-4. When effective.**

This law shall take effect immediately.

§ 84-4.1

WATER SERVICE

§ 84-5.1

**§ 84-4.1. Penalty for delinquent payment. [Added 6-7-1995 by L.L. No. 7-1995]**

All water rents not paid within 30 days will be charged a ten-percent penalty fee.

ARTICLE II

**Private Wells and Water Supplies  
[Adopted 5-17-1995 by L.L. No. 6-1995]**

**§ 84-5. New wells banned.**

The creation of new private wells or water supplies within the incorporated Village of Liberty is banned, effective immediately.

**§ 84-5.1. Geothermal heating/cooling systems. [Added 10-22-2003 by L.L. No. 7-2003]**

- A. Notwithstanding the provisions of § 84-5 of the Code of the Village of Liberty, new private wells may be installed in the Village of Liberty for the purposes of the installation and maintenance of a self-contained, closed-loop geothermal heating/cooling system, as hereinafter provided.
- B. An owner or lessee (with the express written permission of the owner) of real property in the Village of Liberty may install a private well on such real property solely for the purposes of the installation of a geothermal heating/cooling system to serve a building(s) or structure(s) located on such real property or to be constructed simultaneously with the installation of the well and the installation of the geothermal heating/cooling system.
- C. Any such property owner or lessee who desires to install a well for the sole purpose of the maintenance and installation of a geothermal heating/cooling system shall first apply to the Code Enforcement Officer of the Village

of Liberty for a geothermal heating/cooling system well permit, on a form to be supplied by the Code Enforcement Officer. Such application shall contain a certification whereby the applicant certifies, under the penalties of perjury, that the well will be installed and utilized solely in accordance with the provisions of this section and shall not be used for human consumption, cleaning, bathing or any other purpose other than the geothermal heating/cooling system.

- D. As a condition to the issuance of a geothermal heating/cooling system well permit, the applicant shall install a backflow prevention control device on the Village water supply line to the building(s) or structure(s) on the premises to be serviced by the geothermal heating/cooling system and well, at the applicant's sole cost and expense, which backflow prevention control device shall guard against any water emanating from said well entering the Village water supply system in the event of an improper or incorrect connection, in whole or in part, of the water supply provided by the geothermal heating/cooling well and the Village water supply.
- E. The geothermal heating/cooling well and system shall be installed in full accordance with all applicable statutes, laws, ordinances, rules and regulations pertaining thereto.
- F. Upon completion of the installation of the geothermal heating/cooling system well, the applicant shall apply for and obtain from the Code Enforcement Officer of the Village of Liberty a certificate of compliance, certifying that such well has been installed in full and complete compliance with the terms and provisions of this section. In connection therewith, the applicant shall execute a form, to be supplied by the Code Enforcement Officer of the Village of Liberty, certifying the foregoing, under the penalties of perjury. The issuance of the certificate of compliance by the Code enforcement Officer of the Village of Liberty shall not be deemed a certification,

warranty or representation by the Code Enforcement Officer of the Village of Liberty or by the Village of Liberty itself that the geothermal heating/cooling system well has been installed in full and complete compliance with the terms of this section; to the contrary, it shall merely signify that the applicant has certified as such, under the penalties of perjury.

- G. At the time of the application for the geothermal heating/cooling system well permit, the applicant shall pay a fee to the Code Enforcement Officer of the Village of Liberty in the amount of \$100, which shall be nonrefundable, regardless of whether a certificate of compliance is ultimately issued.
- H. No water or effluent from the geothermal heating/cooling well and/or system shall, for any reason, be discharged into the sewage or stormwater system owned and operated by the Village of Liberty or upon any public or private real property; the geothermal heating/cooling system and well must be self-contained and closed-looped, such that the water from such well passes through the geothermal heating/cooling system and returns to the well itself.
- I. As a condition to the issuance of the permit and certificate of compliance, the applicant shall authorize the Code Enforcement Officer to inspect the geothermal heating/cooling well and system at such reasonable times as the Code Enforcement Officer of the Village of Liberty shall deem appropriate to ensure that such well and the geothermal heating/cooling system are not connected to the Village of Liberty water supply and are not discharging into the sewage or stormwater systems owned and operated by the Village of Liberty or onto any public or private property.
- J. Any violation of this section shall be deemed a violation punishable by a fine of up to \$1,000 and/or imprisonment of no more than 15 days. Each week that the violation continues shall be deemed a separate violation. In

addition to the foregoing, the Village of Liberty shall be entitled to recover from the property owner and/or lessee all damages incurred by the Village of Liberty as a result of a violation of this section and/or to seek injunctive relief to enforce the provisions of this law.

### ARTICLE III

**Setting of Water and Sewer Rents**  
**[Adopted 8-2-1995 by L.L. No. 11-1995;**  
**amended in its entirety 4-22-2002**  
**by L.L. No. 1-2002]**

**§ 84-6. Authorization to set by resolution.**

The Village Board is authorized to set the rates for water and sewer rents by resolution, and pursuant to Chapter 83, to maintain the schedule of water rents on file and for inspection in the office of the Village Clerk.

**§ 84-7. Manufacturing use of water.**

The Village Board is authorized to set separate water and sewer rates for manufacturing uses as defined in Chapter 87 of the Village Code. In the event that there is any ambiguity as to whether a user is entitled to obtain the separate manufacturing rate, an applicant may petition the Village Board for a resolution to apply the manufacturing rate for water and sewer, based upon this section and the definition in Chapter 87 of the Village Code.

**§ 84-8. Modification by resolution.**

- A. The Village Board reserves the right to make modifications and changes to Chapter 84 by resolution.
- B. Pursuant to the provisions of the Municipal Home Rule Law, § 10, to the extent that any of these provisions

§ 84-8

WATER SERVICE

§ 84-8

modify state statutes, it is the intention of the Village to supersede the provisions of state statutes.