

28-O-05

AN ORDINANCE

**Amending Title 4, Chapter 6 of the City Code,
the "Plumbing Code", by Deleting the Existing Text and
Adopting a New Title 4, Chapter 6,
the 2003 International Plumbing Code,
with Certain Amendments**

WHEREAS, the City Council of the City of Evanston considers it in the public interest to adopt as its standard for construction, alteration, and installation of plumbing work, the *2003 International Plumbing Code*; and

WHEREAS, the City has caused three (3) copies of the aforesaid Code to be kept on file in the office of the City Clerk for public inspection for a period of more than thirty (30) days prior to the adoption of this Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Title 4, Chapter 6 of the City Code of the City of Evanston, 1979, as amended, be and it hereby is, further amended, by deleting the existing Chapter 6, "Plumbing Code", and substituting therefor the following:

4-6-1: ADOPTION OF THE 2003 INTERNATIONAL PLUMBING CODE:

(A) Pursuant to the authority granted by Chapter 65, Section 5/1-2-4 of the *Illinois Compiled Statutes* and pursuant to its home rule powers, the City of Evanston hereby adopts by reference the *2003 International Plumbing Code*, which Code shall be used with the below-stated new sections, revisions, and deletions to govern the issuance of permits and standards of performance and materials for the construction, alteration, and installation of plumbing work in the City of Evanston. All reference to the *2003 International Plumbing Code* shall be read as including amendments made by this Chapter 6.

(B) Any reference to "Administrative Authority, Code Official or Building Official" shall mean the Assistant Director of Community Development, Building Division, of the City of Evanston. Any reference to "municipality" shall mean the City of Evanston.

(C) The following are requirements additional to the *2003 International Plumbing Code*:

(1) **General:** Where a health or safety hazard exists on a premises by reason of an existing plumbing installation, or lack thereof, the owner's agent shall install additional plumbing or make such corrections as are necessary to abate such nuisance and bring the plumbing installation within the provisions of this Code. Plumbing fixtures not maintained shall be disconnected, removed, and sealed.

(2) **Safety:** Any part of a structure or premises which is changed, altered, or for which replacement is required as a result of the installation, alteration, renovation, or replacement of a plumbing system, or any part thereof, shall be left in a safe, non-hazardous condition. All penetrations through fire-rated construction shall be fire-stopped with a through-penetration protection system approved by the Building Official.

(3) **General:** All plumbing installed within the City of Evanston shall be installed in accordance with the *2003 International Plumbing Code*. If required by the Code Official, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water will give notice to the property owner or person in charge (collectively, "property owner") of the building structure or premises to install such an approved device immediately. The property owner shall, at his own expense, immediately install such an approved device at a location and in a manner in accordance with the *2003 International Plumbing Code*, the State of Illinois Plumbing Code; Illinois Environmental Agency Rules and Regulations, title 35; Environmental Protection, subtitle F: Public Water Supply, chapter I: Pollution Control Board, part 607: Operation and Record Keeping, section 607.104: Cross Connections; and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and annually thereafter, at a minimum. The property owner shall maintain records to document that testing, servicing, and repairs are conducted as required.

(4) **Right of entry:** A City Inspector, who shall be a licensed plumber, shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City for the purpose of verifying information submitted by the property owner or person in charge of the building, structure, or premises regarding the required cross-connection control inspection. On demand, the property owner or person in charge of the building, structure, or premises so served shall furnish to the Code Official, his authorized agent, or approved cross-connection control device inspector any information which these individuals may request regarding the piping system or systems or water use on such property. The Code Official or his authorized agents shall have a right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of

the City for the purpose of verifying information submitted by the property owner or person in charge of the building, structure, or premises regarding the required cross-connection inspection.

(5) **Contamination:** The occupant or property owner of the building, structure, or premises responsible for back-siphoned material or contamination of the potable water supply system which occurs through an illegal cross-connection or an improperly installed, maintained, or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system. Said costs to include but not be limited to, overhead and administrative costs of the City and any other costs reasonably incurred by the City in the clean-up.

(6) **General:** Every plumbing fixture, drain, appliance, or appurtenance thereof which is to receive water or waste, or discharge any liquid wastes or sewage, shall discharge to the sanitary drainage system of the structure in accordance with the requirements of this Chapter.

(7) **Automatic clothes washing machine floor drains:** A pan or receptor with a drain, or an impervious floor with a floor drain, shall be required for all automatic clothes washing machines in multi-family and commercial occupancies. Also, a pan or receptor with a drain, or an impervious floor with a floor drain, shall be required for all water heaters.

(8) **Underground piping:** Piping installed in underground plumbing systems shall be protected from structural damage by an approved method of installation which accounts for the conditions of the installation and application and the type of piping material. In new construction, all plumbing shall be overhead.

(9) **Sillcocks:** All buildings shall have a minimum of two (2) frost-proof anti-siphon type sillcocks.

(10) **Public toilet room drains:** All public toilet rooms, including employee facilities, shall be graded into floor drains.

(11) **Unmaintained plumbing fixtures:** All plumbing fixtures not maintained shall be disconnected, removed, and sealed.

(12) **Corrosion:** Pipes subject to corrosion by passing through or under corrosive fill including, but not limited to, cinders, concrete, or other corrosive material, shall be protected against external corrosion by a protective coating, wrapping, or other means that will resist such corrosion. All copper pipe shall be adequately protected against galvanic action by proper insulation against contact with other metals.

(13) **Freezing:** Water service piping shall be installed below recorded frost penetration but not less than five feet zero inches (5'0") below grade. Plumbing piping

in any exterior building walls or in any areas subjected to freezing temperatures shall be protected against freezing by insulation or heat or both.

(14) **Sewer depth:** Building sewers shall be a minimum of four feet zero inches (4'0") below grade.

(15) **Water service pipe:** All water service pipe or underground distribution pipe to be ductile iron, cast iron, or type K copper tube.

(16) **Water distribution pipe:** All water distribution pipe is to be metallic. Non-metallic pipe is prohibited. Copper pipe must be type L or type M.

(17) **Building sewer pipe:** Building sewer pipe, in a separate trench from the water service, shall be limited to cast iron, concrete, vitrified clay tile, plastic pipe (type SDR 26 only), or ductile iron pipe. The building (house) drain is to be cast iron with rubber gasket joints or lead and oakum joints or, in cases of corrosive waste or soil conditions, use polypropylene pipe (PVC) or polyvinyl chloride pipe and fittings, for a minimum distance of five feet zero inches (5'0") from the foundation (building) wall.

(18) **Building sewer pipe in trench with water service:** Where the building sewer is installed in the same trench as the water service, the building sewer pipe shall conform to one of the standards for cast iron pipe, copper, or copper-alloy tubing, or PVC plastic pipe listed in Section 890, Appendix A, Table A, of the State of Illinois Plumbing Code. No cell core plastic pipe shall be permitted.

(201) **Subsoil drain pipe:** Subsoil drains shall be open-jointed, horizontally split or perforated pipe. Footing drains to be connected to the sump pump as discharge shall be made to storm or combination sewers, and not to sanitary sewers. All window wells require drains. The drains shall be connected to drain tile, and drain into sump.

(21) **Roof drains:** Roof drains shall conform to ASME A112.21.2. Buildings in R1, R2, and R3 zoning districts and **all** one- and two- family dwelling units shall drain roof storm water by gutters and downspouts to the front and rear of the property in a manner which will not disturb adjoining property. No connections to the combined sewer shall be made in the above zoning districts. All roofs or buildings not mentioned above may drain directly into the storm sewer system.

(22) **Car wash facilities:** New car wash facilities or replacement of existing facilities shall be equipped with water-recycling systems, unless designed to use thirty (30) gallons or less of water per wash.

(23) **Reduced pressure principle backflow preventers:** Reduced pressure principle backflow preventers shall conform to ASSE 1013. AWWA C511 or CSA CAN/CSA-B64.4. These devices shall be allowed where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged. All domestic and fire suppression water systems located within one

thousand seven hundred feet (1,700') of a non-potable water source and all fire safety systems that contain such additives as antifreeze shall be equipped with a reduced pressure principle backflow preventer (RPZ).

4-6-2: MEANS OF APPEAL: This section shall be deleted in its entirety from the *2003 International Plumbing Code*, adopted hereby, and these Sections substituted herefor:

4-6-2-1: Application for appeal: Any person ("the Petitioner") affected by a decision of the Code Official or a notice, or order issued under this Code shall have the right to appeal to the City's Property Services Board, Title 4, Chapter 18 of the City Code, provided that a written application for appeal is filed within fifteen (15) days after the day of the decision, notice, or order was served. For purposes of this Section, a decision, notice, or order is "served" upon delivery, in the case of personal delivery, and, in the case of mailing, five (5) days after deposit in the U.S. Mail with first-class postage prepaid. The Code Official shall transmit the appeal to the Property Services Board within three (3) business days of its filing. A person is "affected" for the purposes of an appeal pursuant to this Section when the person has a material or definitive interest in the decision, notice, or order of the Code Official. An application for appeal shall be based on a claim that the true intent of this Code, or the rules legally adopted thereunder, have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.

The application for appeal must be in writing and include a statement of the proposal, together with any and all documentation which would aid the Board in its deliberations.

4-6-2-2: Appeal Form: The appeal shall be filed at the Permit Desk of the Community Development Department on a form ("the Appeal Form") provided for that purpose by the Code Official and made available to the public.

4-6-2-3: Notice of Property Services Board Meeting: The Property Services Board shall convene upon notice of the Chair, within fifteen (15) days of the filing of an appeal. The Building Official shall give written notice of the meeting date, time, and location in the Civic Center to the Petitioner.

4-6-2-4: Hearing Procedure: Hearings shall be conducted in accordance with written procedures on file with the Permit Desk in the Community Development Department.

4-6-2-5: Hearing Notice: Notice shall be given of the time, place, and purpose of the public hearing by posting on the premises which is the subject of the hearing a notification sign which meets the requirements set forth in the hearing procedures. The sign shall be posted not less than three (3) days before the hearing to which it refers.

4-6-2-6: Board decisions: Board decisions shall be in writing and issued within two (2) business days after the close of the hearing. In reaching its decision, the Board may consider whether the decision, notice, or order appealed from was based upon a correct interpretation of this Code, on the rules legally adopted thereunder, whether the provisions of the Code do not fully apply, or whether the requirements of this Code are adequately satisfied by other means. The Petitioner shall establish by a clear preponderance of the evidence that his proposal is equivalent or superior to the adopted Code requirement. The decision shall state that the decision is a final administrative decision which may be appealed to the Circuit Court under the Administrative Review Law, 735 ILCS 5/3-101, *et seq.*, within thirty-five (35) days of delivery of the decision. Failure to secure the concurring votes of a majority of Board members present where a quorum has been obtained shall be deemed a confirmation of the decision of the Building Official.

4-6-2-7: Effect of Appeal: The appeal shall stay the decision, notice, or order appealed from, unless the Building Official certifies to the Property Services Board after the appeal has been filed that a stay would in the Code Official's opinion cause imminent peril to life or property. In such case, the suspension or revocation shall not be stayed unless a restraining order is issued by a court of competent jurisdiction, and then only if due cause can be conclusively shown.

4-6-3: PENALTY:

Persons who shall violate a provision of this Code, fail to comply with any of the requirements thereof or erect, install, alter, or repair work in violation of the approved construction documents or directive of the Code official, or of a permit or certificate issued under the provisions of this Code, shall be fined as set forth in this Section 108.4. A separate offense shall be deemed to have been committed for each day that an offense continues.

- (A) 1) The fine for a first violation is \$75.00 (seventy-five and no/100 dollars).
- 2) The fine for a second violation is \$200.00 (two hundred and no/100 dollars).
- 3) The fine for a third or subsequent violation is \$375.00 (three hundred seventy-five and no/100 dollars).
- (B) Each day a provision of this Chapter is found to have been violated constitutes a separate violation for which a fine may be imposed in accordance with the fine schedule set forth in Subsection 108.4(A).
- (C) The fines provided for herein shall not be construed as limiting the power of a Court of competent jurisdiction or an Administrative Hearing Officer to impose other penalties and remedies as provided for by applicable legislation.

4-6-4: SEVERABILITY: It is the intention of the City Council that the provisions of this Chapter and the Code adopted hereby are severable and the invalidity of any Section or part of any Section of this Chapter and the Code hereby adopted shall not affect any other Section or portion of said Chapter or Code.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: April 12, 2005

Adopted: April 25, 2005

Approved:

May 2, 2005
Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:

Ellen Szymanski
Corporation Counsel
Aet.