

10-O-15

AN ORDINANCE

**Amending City Code Title 4, Chapter 5,
"Plumbing Code"**

WHEREAS, the City of Evanston may regulate against various nuisances and public offenses under the Illinois Municipal Code, and as a home rule entity, legislate to protect the health, welfare and safety of its residents; and

WHEREAS, Article VII, Section (6)a of the Illinois Constitution of 1970, which states that the "powers and functions of home rule units shall be construed liberally," was written "with the intention that home rule units be given the broadest powers possible" (*Scadron v. City of Des Plaines*, 153 Ill.2d 164, 174-75 (1992)); and

WHEREAS, pursuant to 65 ILCS 5/1-2-1, the City may make all rules and regulations to carry into effect the powers granted to the City, such broad and general grant of authority complementing the City's home rule powers; and

WHEREAS, the City Council of the City of Evanston considers it in the public interest to update its Plumbing Code to reflect the updated changes from the State of Illinois Department of Public Health's Illinois Plumbing Code, ILL. ADMIN. CODE tit. 77 § 890 (2014), and in conformance with all applicable laws, as its standard requirements of plumbing in the City of Evanston; and

WHEREAS, at meetings held in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), the City Council considered this Ordinance, heard public comment, made findings; and

WHEREAS, it is well-settled law in Illinois that the legislative judgment of the City Council must be considered presumptively valid (see *Glenview State Bank v. Village of Deerfield*, 213 Ill.App.3d 747 (2nd Dist. 1991)) and is not subject to courtroom fact-finding (see *People ex rel. Sherman v. Cryns*, 203 Ill.2d 264, 291 (2003)); and

WHEREAS, these revisions to Title 4 of the Evanston City Code of 2012, as amended (the "Plumbing Code"), are intended to reflect the City's conformance to the State's requirement of adopting the Illinois Plumbing Code,

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

SECTION 1: Section 4-5-1 of the Plumbing Code, "Adoption," is hereby further amended to read as follows:

4-5-1. - ADOPTION.

- (A) Pursuant to the authority granted by 65 ILCS 5/1-2-4, and pursuant to its home rule powers, the City of Evanston hereby adopts by reference the 2014 Illinois Plumbing Code, ILL. ADMIN. CODE tit. 77 § 890 (2014), with the additions, deletions, exceptions, and other amendments set forth in this Chapter.
- (B) Any reference in the 2014 Illinois Plumbing Code to "Authorities Having Jurisdiction" shall refer to the City's Manager of Building and Inspection Services. Any reference to "municipality" shall mean the City of Evanston.

SECTION 2: Section 4-5-2 of the Plumbing Code, "Amendments," is hereby further amended to read as follows:

4-5-2. - AMENDMENTS.

~~**Means of Appeal:** This Section shall be deleted in its entirety from the 2012 International Plumbing Code, adopted hereby.~~

SECTION 3: Section 4-5-3 of the Plumbing Code, "Additional Requirements," is hereby further amended to read as follows:

4-5-3. - ADDITIONAL REQUIREMENTS.

The following are requirements additional to the 2014 Illinois Plumbing Code. In the event that any provision of City Code Section 4-5-3 is in conflict with the 2014 Illinois Plumbing Code, as amended, the 2014 Illinois Plumbing Code shall prevail.

- (A) *Existing Plumbing:* Plumbing fixtures not maintained shall be disconnected, removed, and sealed.
- (B) *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, nonhazardous condition. All penetrations through fire rated construction shall be fire stopped with a through penetration protection system approved by the Building Official.
- (C) *Installation:* All plumbing installed within the City of Evanston shall be installed in accordance with the 2014 Illinois 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 Utilities Director 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/her own expense, immediately install such an approved device at a location and in a manner in accordance with the 2014 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.
- (D) *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/her 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/her 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.

- (E) *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 cleanup 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 cleanup.
- (F) *Discharge to Sanitary Drainage System*: 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. Building drains shall be constructed of either service weight cast iron or Schedule 40 PVC pipe and fittings the minimum pipe size for below ground drainage shall be four inches (4"). Underground piping shall be laid on a firm bed of sand or gravel for its entire length, except where support is otherwise provided and approved by a City Plumbing Inspector. Six inches (6") of compacted stone, sand, or other approved material shall be provided under pipe and minimum of twelve inches (12") of stone or sand shall be provided above the crown of the pipe. The remaining soil fill shall be compacted in compliance with Metropolitan Water Reclamation District bedding regulations. The transition between the building drain and the building sewer shall be made with either ductile iron or extra heavy cast iron pipe extending from inside the building foundation wall to a minimum of five feet (5') past the outside of the foundation wall.
- (G) *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.
- (H) *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. Footings, grade beams and/or foundation walls shall be properly sleeved or cored in compliance with a design from a licensed design professional to accommodate for the proper installation of the buildings plumbing system.
- (I) *Sillcocks*: All buildings have a minimum of two (2) frost-proof, anti-siphon type sillcocks.

- (J) *Public Toilet Room Drains:* All public toilet rooms, including employee facilities, shall be graded into floor drains.
- (K) *Unmaintained Plumbing Fixtures:* All plumbing fixtures not maintained shall be disconnected, removed, and sealed.
- (L) *Sewer Depth:* Building sewers shall be a minimum of four feet, zero inches (4'0") below grade.
- (M) *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 windows wells require drains. The drains shall be connected to drain tile, and drain into sump.
- (N) *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 stormwater 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 of buildings not mentioned above may drain directly in the storm sewer system.
- (O) *Car Wash Facilities:* Unless designed to use thirty (30) gallons or less of water per wash, new car wash facilities or replacement of existing facilities shall be equipped with water recycling systems.
- (P) *Reduced Pressure Principle Backflow Preventers:* A reduced pressure principle backflow prevention assembly (RPZ) shall be installed in the water service supplying food service, manufacturing or production establishments. RPZ's shall conform to ASSE 1013, 1047 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 nonpotable water source and all fire safety systems that contain such additives as antifreeze shall be equipped with a reduced pressure principle backflow preventer (RPZ).

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 6: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 7: That this Ordinance 10-O-15 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: January 26, 2015

Adopted: February 9, 2015

Approved:

February 11, 2015

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

Michelle Massey / Acting Corporation Counsel.
W. Grant Farrar, Corporation Counsel