

ORDINANCE No. _____

**AN ORDINANCE PROHIBITING ILLEGAL CROSS-CONNECTIONS
OF PRIVATE WATER SYSTEMS TO PUBLIC WATER SYSTEMS
IN THE VILLAGE OF NORTH AURORA**

WHEREAS, the Village has adopted and enforces the Illinois Plumbing Code (225 ILCS 320/35 and 77 Ill. Adm. Code 890); and

WHEREAS, cross-connections between private plumbing systems and a public water system without approved cross-connection control devices installed for the control of back-flow and back-siphonage is a danger to the public health, safety and welfare and is prohibited by the Illinois Plumbing Code; and

WHEREAS, the Village has an obligation to protect the health, safety and welfare of the residents of the Village and to enforce the prohibition of illegal cross-connections.

NOW THEREFORE BE IT ORDAINED by the President and the Trustees of the Village of North Aurora as follows.

Section 1 The recitals set forth above are the material findings of the president and the Board of Trustees and such findings are incorporated herein.

Section 2 Section 13.24.05 is hereby added to Chapter 13.24 of Title 13 of the North Aurora Municipal Code as follows:

13.24.050 WATER CROSS-CONNECTION CONTROLS

A. Water Cross-Connection Prohibitions.

1. No person shall connect, maintain a connection or allow a connection of a Private Water System to the Public Water System in the Village of North Aurora without the knowledge and approval of the Superintendent of Public Works, and all such connections shall be subject to inspection pursuant to the Illinois Plumbing Code at the time that a connection is made and thereafter as provided in this Section.
2. No connection to the Public Water System shall be allowed in the Village unless:
 - a. An Approved Water Meter is installed;
 - b. The connection is made at the point of the installed water meter;
 - c. The connection is made with an Approved Cross-Connection Control Device installed at the water meter connection; and
 - d. The connection is otherwise established and maintained in compliance with the Illinois Plumbing Code.
3. No water from a Private Water System shall be allowed to enter a Public Water System regardless of the connection used.

B. Definitions

For purposes of this Section, the following terms shall have the following definitions:

1. “Approved Cross-Connection Control Device” means a device that is approved by the Illinois Plumbing Code for connecting a Private Water System to a Public Water System to prevent possible infiltration from a Private Water System to a Public Water System.
2. “Approved Inspector” means a person certified and approved by the IEPA as a Cross-Connection control device inspector.
3. “Approved Water Meter” means a water meter issued by the Village of North Aurora for purposes of connecting a Private Water System to a Public Water System.
4. “AWWA” means the American Water Works Association.
5. “AWWA Standards” means the standards described in AWWA C506-78 (R83) and any related provisions.
6. “Code” means the Illinois Plumbing Code and the administrative regulations authorized and promulgated pursuant to the Illinois Plumbing Code.
7. “Cross-Connection” means any connection of a Private Water system to a Public Water System in the Village of North Aurora.
8. “IEPA” means the Illinois Environmental Protection Agency.
9. “Private Water System” means all mains, pipes and structures and appurtenances that are designed and intended to receive for private use water distributed from a Public Water System and which is not part of the Public Water System.
10. “Property” means any separate parcel, zoning lot, building or unit of a building that is served by a separate connection to a public water main.
11. “Public Water System” means a public supply of potable water for distribution to the public including all mains, pipes and structures and appurtenances owned and/or maintained by the Village through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing potable water to the public.
12. “Superintendent of Public Works” means the person designated and approved by the North Aurora corporate authorities as the Village of North Aurora Superintendent of Public Works or equivalent office and his/her designee.

C. New Cross-Connections; installation and testing.

1. New Cross-Connections shall be made only as follows:
 - a. Cross-Connection shall be made only at the water meter;
 - b. Only Approved Cross-Connection Control Devices shall be used;
 - c. The Approved Cross-Connection Control Devices shall be installed only by a licensed plumber;

- d. The Approved Cross-Connection Control Devices shall be installed only in accordance with the manufacturer's instructions, the Code and all other applicable IEPA or other regulations; Inspected and tested by an Approved Inspector on the date of installation and the test results shall be reported to the Superintendent of Public Works within ten (10) days from the date of testing; and
 - e. All new Cross-Connection devices shall be inspected at the time of installation.
2. If the inspection reveals the Cross-Connection control device is not working properly, the device shall be serviced as follows:
- a. For fixed air gap separation devices, any corrections to eliminate improperly bypassed air gaps and other service required for proper functioning of the device shall be made within forty-eight (48) hours after the test indicating the need for service.
 - b. For dual check assemblies, any service required for proper functioning of the device shall be performed within fifteen (15) days after the test indicating the need for service.
 - c. For reduced pressure principle backflow prevention devices, any service required for proper functioning of the device shall be performed within five (5) days after the test indicating the need for service.

D. Existing cross-connections; initial testing; records maintained.

1. Every owner and occupant of improved commercial and industrial property or of residential property on which an underground sprinkler system is installed in the Village shall have an affirmative obligation to arrange an initial inspection and testing of that property's Cross-Connection by an Approved Inspector in accordance with this Section and the Code and such inspections and testing shall be completed prior to May 1, 2007, in order to determine:
- a. Whether the Cross-Connection was made only at the water meter;
 - b. Whether an Approved Water Meter was used;
 - c. Whether an Approved Cross-Connection Control Device was used;
 - d. Whether the Approved Cross-Connection Control Device, if any, was installed in compliance with the Code and all applicable IEPA and AWWA Standards and is working properly; and
 - e. Whether any danger of infiltration exists from the Private Water System to the Public Water System.
2. Every owner and occupant of improved commercial and industrial property or of residential property on which an underground sprinkler system is installed in the Village shall have an affirmative duty to submit or cause to be submitted an initial inspection report and testing results generated by an Approved Inspector to the Superintendent of Public Work's office by May 10, 2007.
3. Other properties:
- a. The Superintendent of Public Works is hereby given the authority to identify properties other than commercial and industrial properties and

residential properties on which an underground sprinkler system is installed, to be inspected and tested for the purposes identified in Subsection D.1 above.

- b. Within sixty (60) days from the mailing of a written notice, put in the regular mail to the address of the property, from the Superintendent of Public Works that the property has been identified for Cross-Connection inspection and testing, the owner and/or occupant of such property shall have the affirmative duty to schedule and complete an inspection of the property with an Approved Inspector for the same purposes described in Subsection D.1 above.
 - c. The owner and/or occupant whose property has been identified for Cross-Connection inspection and testing shall submit or cause to be submitted an inspection report and testing results to the Superintendent of Public Work's office within ten (10) days after the date of initial inspection and testing or within seventy (70) days from the notice mailing date, whichever is sooner.
4. The Superintendent of Public Works shall have the additional authority to investigate and test commercial, industrial and other properties served by the Public Water System for the same purposes identified in Subsection D.1 above and to survey the results of all investigations and testing.
 5. If any Cross-Connection is discovered that is not in compliance with this Section, the property owner/occupant shall bring the property into compliance with this Section by removing any connection and/or Cross-Connection Control device and/or water meter that is non-compliant and/or by installing an Approved Water meter and/or an Approved Cross-Connection Control Device within sixty (60) days of mailing of a written notice of the non-compliance, at his/her own expense. All newly installed Approved Cross-Connection Control Devices shall be installed, inspected and tested as provided in Subsection D above.

E. Annual testing; affirmative obligation to schedule.

1. Owners and/or occupants of all commercial and industrial property, residential property on which an underground sprinkler system is installed and all other properties having a Cross-Connection shall have an affirmative obligation to retain an Approved Inspector to conduct an inspection and testing of the Cross-Connection annually prior to May 1st of each year, and the inspection report and test results shall be reported to the office of the Superintendent of Public Works annually by May 10th of each year.
2. Inspection and testing of a Approved Cross-Connection Control Device shall occur more frequently than annually if suggested by the manufacturer of the device.

F. Obligation to supply information on demand.

All owners and/or occupants of any property in the Village served by a connection to the Public Water System of the Village shall furnish to the Superintendent of

Public Works any information requested regarding the Cross-Connection, water meter, Private Water System or water use on such property within ten (10) days of a written request for such information.

G. Threat of contamination; disconnection from system.

1. Any illegal or improper Cross-Connection device of installation poses a threat of contamination to the Public Water System, and any violation of this Section, the code or the AWWA standards shall be considered a danger to the public health, safety and welfare.
2. If the Superintendent of Public Works determines that a property has an illegal or improper Cross-Connection device or installation in violation this Section, the code or the AWWA standards, and the owner and/or occupant has failed or refused to comply with the provisions of this Section, the Superintendent of Public Works may give notice in writing to the owner and/or occupant of the violation and that the water service to the property may be discontinued on a date not less than five (5) days from the date of the notice (hereinafter “Five Day Notice”) if the owner and/or occupant does not take immediate and appropriate steps to eliminate the violation and proceed diligently to bring the property into compliance with this Section.
3. The Superintendent of Public Works is hereby authorized and directed to discontinue water service to any property on which a known or presumed violation of this Section exists under the following circumstances:
 - a. at any time following the issuance of a Five (5) Day Notice if the property owner and/or occupant fails to take immediate and appropriate steps in compliance with this Section to eliminate the violation and/or fails to proceed diligently to bring the property into compliance with this Section;
 - b. at any time following the issuance of a Five (5) Day Notice if, in the Superintendent of Public Work’s determination, discontinuation of water service is necessary to eliminate a threat of contamination to the Public Water System that is likely, even if the property owner and/or occupant have taken immediate and appropriate steps to eliminate the violation and is/are proceeding diligently to bring the property into compliance with this Section and to eliminate the danger of contamination of the Public Water System;
 - c. upon verbal notice without delay if the Superintendent of Public Works or IEPA determines that contamination of the Public Water System is imminent and discontinuation of water service is necessary to eliminate an imminent hazard to the public health, safety and welfare; or

- d. without notice to any party, if the Superintendent of Public Works or IEPA determines that contamination of the Public Water System is immediate and discontinuation of water service is necessary to eliminate an immediate hazard to the public health, safety and welfare.
4. If water service is discontinued without written notice, the Superintendent of Public Works shall provide written notice as soon as practicable following the discontinuation of water service identifying the reason for discontinuation and of the steps that are necessary to restore the water service.
5. Water service that is discontinued shall not be restored until all illegal and improper Cross-Connections devices or installations and any dangers to the public health, safety and welfare have been eliminated, any violations of this Section have been remedied, and a reconnection fee of seventy-five dollars (\$75.00) is paid to the Village.
6. Neither the Village nor any employee or agent of the Village, including the Superintendent of Public Works, shall be liable to any person for injury, damages or lost revenues that may result from discontinuation of the Public Water Supply to a property in accordance with the terms of this Section.

H. Presumption of illegal or improper cross-connection

If any property owner and/or occupant fails or refuses to schedule and allow an inspection, to submit the inspection and testing results or to provide other information that is requested as provided above, the property shall be presumed to have an illegal or otherwise improper connections to the Public Water System as defined by applicable IEPA and AWWA.

I. Violations; fines; other remedies

1. In addition to the failure to comply with the terms of this Section as noted above, the following actions shall also be considered violations of this Section:
 - a. The making of any statement, representation, or certification that a person knows or should have known to be false in response to any request for information or in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Section;
 - b. The interference or tampering in any way with any inspection or test performed pursuant to this Section; and
 - c. The interference or tampering with any properly installed Approved Cross-Connection Control Device.
2. Any person who is found to have violated any provision of this Section may be fined in amount not less than fifty dollars (\$50.00) nor more than seven hundred and fifty dollars (\$750.00) for each offense.

3. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
4. A fine or fines may be imposed separately from and in addition to the discontinuation of water service.
5. In addition to a fine or fines and/or discontinuation of water service, the Village may seek an injunction or other remedies available as deemed necessary and appropriate by the Superintendent of Public Works.

J. Responsibility for cost of contamination cleanup.

If any contamination of the Public Water System occurs as a result of an illegal or otherwise improper Cross-Connection, Cross-Connection device or installation as defined by applicable IEPA and AWWA Standards, the owner(s) and/or occupant(s) of property from which the contamination occurred shall be jointly and severally liable for the costs to eliminate the contamination and to clean up and purify the Public Water System and all other costs associated with and resulting from such contamination, including but not limited to the initial and follow up testing of the system as deemed necessary and appropriate by the Superintendent of Works and/or the IEPA.

K. Inspection and Testing Reports; Records

1. The Superintendent of Public Works shall maintain original records of the inspection and testing reports and make them available for inspection by IEPA personnel in accordance with state statute (415 ILCS 5/4(e)).
2. Each Cross-Connection control device installed on property in the Village shall have a tag attached listing the date of the most recent inspection and testing, the name of inspector, and type and date of repairs.
3. As a part of the inspection and testing reports, a maintenance log for each Cross-Connection control device installed in the Village shall be maintained by the owner and/or occupant of each property that contains a Cross-Connection, and the log shall, at a minimum, include:
 - a. Date of each test;
 - b. Name and approval number of persons performing the inspection or test;
 - c. Test results/inspection;
 - d. Repairs or servicing required;
 - e. Services performed and date completed.
4. All inspection and testing records shall be filed with the Superintendent of Public Work's office after an initial inspection and testing and on an annual basis in order for the owner and/or occupant of each property that contains a Cross-Connection to remain compliant with this Section.

5. The Superintendent of Public Works shall maintain and make available the inspection, testing and other records related to Cross-Connections for review for a period of at least five (5) years.