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# LAKE COUNTY PUBLIC WORKS WATER USE ORDINANCE

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## Article 1 – Introductory Provisions

### Sec. 1.1 Title

This Ordinance shall be officially known and cited as the Water Use Ordinance of Lake County, Illinois. References made herein to “this Ordinance” shall be interpreted as referring to the Water Use Ordinance.

### Sec. 1.2 Authority

This Ordinance is adopted pursuant to the statutory authority conferred by the Illinois Counties Code, 55 ILCS 5, including without limitation Division 5-15 of such Code (55 ILCS 5/5-15001 *et seq.*).

### Sec. 1.3 Applicability and Jurisdiction

This Ordinance shall apply to all premises served or supplied by public water systems owned and operated by Lake County.

### Sec. 1.4 Minimum Requirements

The standards of this Ordinance are minimum requirements. The issuance of any permit, certificate or approval in accordance with the standards and requirements of this Ordinance shall not relieve the recipient of such permit, certificate or approval from the responsibility of complying with all other applicable requirements of any other local, county, state or federal agency, having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued.

### Sec. 1.5 Purpose

The purpose of this Ordinance is to define and set forth the regulations of the County concerning connection to, use, and maintenance of its public water supply system and inspection and maintenance of water services connected directly or indirectly thereto.

### Sec. 1.6 Word Usages and Construction of Language

#### 1.6.1 Meanings and Intent

All provisions, terms, phrases and expressions contained in this Ordinance shall be construed according to the purpose set out in Sec. 1.5.

#### 1.6.2 Headings, Illustrations and Text

In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text shall control unless such heading, drawing, table, figure, or illustration is deemed by the Public Works Director to provide greater protection to the safe, efficient, and effective operation of the public water supply system.

#### 1.6.3 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including”, “such as,” or similar language are intended to provide examples. They are not intended to be exhaustive lists of all possibilities.

#### 1.6.4 Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the County, that day shall be excluded.

### **1.6.5 References to Other Regulations, Publications and Documents**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

### **1.6.6 Delegation of Authority**

Whenever a provision requires the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing such officer, department head or employee to delegate that responsibility to others over whom they have supervisory authority.

### **1.6.7 Technical and Nontechnical Terms**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. (See also Sec. 1.9, "Definitions")

### **1.6.8 Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of Lake County, unless otherwise expressly provided.

### **1.6.9 Mandatory and Discretionary Terms**

The words "shall," "will," and "must" are mandatory, unless the context clearly indicates the contrary. The words "may" and "should" are advisory and discretionary terms.

### **1.6.10 Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- a. "And" indicates that all connected items, conditions, provisions, or events apply; and
- b. "Or" indicates that one or more of the connected items, conditions, provisions, or events may apply.

### **1.6.11 Tenses and Plurals**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

### **1.6.12 Numerical Calculations**

Unless otherwise specifically indicated, for standards involving the use of numbers, all calculations shall be rounded to the nearest hundredths.

## **Sec. 1.7 Conflicting Provisions**

### **1.7.1 Conflict with State or Federal Regulations**

If the provisions of this Ordinance are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

### **1.7.2 Conflict with Other County Regulations**

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the County, the more restrictive provision will control. No text amendment, variance or condition of approval placed on a permit or other form of County approval under this Ordinance shall have the effect of nullifying, abrogating or diminishing the provisions of any other County ordinance.

## **Sec. 1.8 Transitional Provisions**

### **1.8.1 Violations Continue**

Any violation of the previous water use regulations of the County shall continue to be a violation under this Ordinance and shall be subject to penalties and enforcement under Article 7, unless the use, construction or other activity is consistent with the express terms of this Ordinance, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the adoption of this ordinance.

## **Sec. 1.9 Definitions**

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

1. "Administrator" means the Administrator of the USEPA.
2. "Agency" means Illinois Environmental Protection Agency.
3. "Agency Director" means the Director of the Illinois Environmental Protection Agency.
4. "Approved backflow prevention device" means any backflow prevention device or method authorized under the Illinois Plumbing Code, 77 Ill. Adm. Code 890 and the Agency.
5. "Approving Authority," means the County Board of Lake County, Illinois.
6. "Auxiliary water system" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the County does not have control.
7. "Backflow" means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a public water supply system from any source other than the intended source of the public water supply system.
8. Reserved.

9. "B-box" shall mean a valve box used to access a corporation stop. Also called a buffalo box or shut-off box.
10. "Closed-loop air conditioning system" shall mean an air conditioning system in which the heat exchange fluid is used in more than one cooling cycle before being discharged to waste.
11. "Consumer" or "Customer" means any of the owner, official custodian, user or person in control of any premise supplied by or in any manner connected to a public water supply system.
12. "Consumer's water system" means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system, as is the service connection (exclusive of the b-box, corporation stop, and the meter).
13. "Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.
14. "Corporation Stop" shall mean a shutoff valve attached to a service connection from a water main to a building (often installed near the curb), which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called curb stop.
15. "County" means Lake County, Illinois.
16. "Cross-connection" means any physical connection or arrangement between at least two otherwise separate piping systems, one of which contains public water supply system water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other. Direct cross-connection means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance. Indirect cross-connection means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe public water system.
17. "Cross-Connection Control Device Inspector" (CCCDI) means a licensed plumber who is certified by the Agency and in accordance with Illinois Plumbing License Law, 225 ILCS 320/3(1) to inspect cross-connection control devices.
17. "Director" means the Director of the Lake County Public Works Department or his duly authorized representative.
18. "Double check valve assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015 and authorized under the Illinois Plumbing Code. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.
19. "Engineering Supervisor" means the manager of the Engineering Division of the Public Works Department.
20. "Easement" shall mean an acquired legal right for the specific use of land owned by others.
20. "Federal Act" means the Federal 1996 Safe Drinking Water Acts Amendments, and any amendments hereto.
21. "Fixed proper air gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.
22. "Health hazard" means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word

"severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

23. "Inspection" means a plumbing inspection to examine all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code 77 Ill. Adm. Code 890.
24. "Milligrams per Liter" shall mean a unit of the concentration of water 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 analysis.
25. "Non-potable water" means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.
26. "Ordinance" means this ordinance.
27. "Permit Fees" shall be the charge or charges composed of connection fees, inspection fees, and meter fees.
28. "Person" shall mean any and all persons, natural or artificial including any individual, firm, company, municipal or Private Corporation, association, society, institution, enterprise, governmental agency or other entity.
29. "pH" shall mean the intensity of the acid or base condition of a solution, calculated by taking the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.
30. "Plumbing" means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection to such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.
31. "Pollution" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.
32. "Potable water" means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.
33. "Potential Cross-Connection" means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.
34. "Process fluid(s)" means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:
  - a. polluted or contaminated waters;

- b. process waters;
  - c. used waters originating from the public water supply system which may have deteriorated in sanitary quality;
  - d. cooling waters;
  - e. questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
  - f. chemicals in solution or suspension;
  - g. oils, gases, acids, alkalis and other liquid gaseous fluids used in industrial or other processes, or for firefighting purposes.
35. "Public water supply" means all mains, pipes and structures 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 water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve as least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".
36. "Public Works Department" means the Lake County Public Works Department and persons under the direction or supervision of the Director.
37. "Rate Ordinance" means the ordinance(s) or other official action(s) that the Approving Authority may adopt from time-to-time setting forth rate, charges, and other costs or expenses (including without limitation fines and penalties) to be imposed, charged, or assessed in connection with water service from the Water Facilities.
38. "Reduced pressure zone device (rpz)" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit includes tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.
39. "Service connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.
40. "State Act" means the Illinois Anti-Pollution Bond Act of 1970, and any amendments thereto.
41. "State Loan" shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois State Act and for making such loans as filed with the Secretary of State of the State of Illinois.
42. "Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system.
43. "System hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

44. "Used water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.
45. "USEPA" means the United States Environmental Protection Agency.
46. "Water Facilities" means the public water system of the County and any or all of its component parts.
47. "Water purveyor" means the owner or official custodian of a public water system.
48. "Water Service Charge" shall be the charge periodically levied on all users of the Water Facilities in accordance with the current Rate Ordinance. The service charge may be established and changed from time-to-time by action of the Approving Authority. A Water Service Charge may also be referred to as a user fee.
49. "Water Service Connection Charge" shall be the charge or charges assessed on Customers newly connecting, changing use or enlarging an existing connection to the Water Facilities, which charge may be established and changed from time-to-time by action of the Approving Authority. A Water Service Connection Charge may also be referred to as a connection fee.

## Article 2 – Connection to Water System

### Sec. 2.1 Service Connection Permits and Charges

#### 2.1.1 No Connection without Permit

Connections to the County public water supply system shall be made after issuance of a permit by the County. All such connections shall be made by a licensed plumber or a bonded sewer and water contractor utilizing a licensed plumber under the supervision of Public Works Director, and no connections shall be buried and backfilled until the work has been inspected to the satisfaction of the Public Works Director. Whenever any new connections to the County public water supply should hereafter be made, a connection fee shall apply, in accordance with the rate ordinance and be paid at the time a Permit is issued by the Public Works Department.

#### 2.1.2 Connections Required

##### 2.1.2.1 Existing Houses, Buildings and Properties

The owner of all existing houses, buildings or properties located within service areas of the Lake County Public Works Department and abutting on any street, public easement or right-of-way in which there is now located, or which the County intends in the future to be located, a public watermain owned by the County, is required to make a connection to the Water Facilities in accordance with the provisions of this Ordinance in the event that (1) a building is demolished or (2) an existing private well serving said property needs to be replaced or deepened in order to maintain compliance with the Lake County Health Department requirements, provided that said public water supply is within 300 feet of the property line of residences or within 1,000 feet of the property line of non-residential properties.

Upon connection to the Water Facilities, private wells previously serving the house, building or property shall be sealed in accordance with the requirements of the Lake County Health Department. A variance shall be required from both Lake County Health Department and Public Works Department to retain an existing well. If approved, a cross-connection control device shall be installed in accordance with Article 5 of this ordinance.

The owner shall pay all costs of connection, turn-on, meter, and watermain extension fees.

##### 2.1.2.2 Future Houses, Buildings and Properties

The owner of all houses, buildings or properties hereafter constructed within service and abutting on any street, public easement or right-of-way in which there is located, or which the County intends in the future to be located, a public watermain owned by the County, is required to make a connection to the Water Facilities in accordance with the provisions of this Ordinance, provided that said public water supply is within 300 feet of the property line of residences or within 1,000 feet of the property line of non-residential properties, upon the earlier of: (a) the issuance of a certificate of occupancy, or (b) once the existing well serving such property is no longer operable.

Upon connection to the Water Facilities, any private wells previously serving the house, building or property shall either be sealed in accordance with the requirements of the Lake County Health Department or, where the Director has granted a variance to retain the well, shall have a cross-connection control device installed in accordance with Article 5 of this ordinance.

The owner shall pay all costs of connection, turn-on, meter, and watermain extension fees.

### **2.1.3 Watermain Extension**

If requested water service requires the installation of any watermain, any applicant whose building, structure or premises directly benefits from such main extension shall pay with such application the cost to install the main (including, but not limited to construction cost, permit fees, and all engineering, administrative and legal expenses). Such payment shall be made in addition to any other connection, turn-on or meter fees in force at the time of the application.

Any extension of the main shall be installed in accordance with plans approved by the Public Works Department and shall be installed along the entire frontage of the premises to be served to the next adjacent property as determined by the Director.

### **2.1.4 Plumbing Code Compliance**

No permit for connection to the Water Facilities shall be issued unless the house, building or property to receive service is in compliance with the Illinois Plumbing Code as adopted and amended by Lake County.

## **Sec. 2.2 Application for Water Service**

No water from the Water Facilities shall be turned on for service into any premises by any person but the Director. An Application for Water and/or Sewer Service Account is necessary to have water turned on and shall be made to the Public Works Department prior to water turn on. Water will only be turned on between 7:30 a.m. and 3:00 p.m., Monday through Friday (except during County observed holidays) with a responsible adult representative of the applicant present. Water turn on shall be made by appointment. Applicant must appear in person at the administrative offices of the Public Works Department and present a valid driver's license or other state issued photo identification within 30 days of establishing service, otherwise the account is subject to disconnection without further notice.

## **Sec. 2.3 Water Service Installation**

The pipe, valves and fittings used for the service connection and b-box including materials and size, shall be as specified by the Public Works Department. Any service connection into the watermain shall be made by a licensed plumber or a bonded sewer and water contractor utilizing a licensed plumber. The owner shall pay all costs associated with installing the service connection, including such services and materials as may be provided by the County.

## **Sec. 2.4 Repairs to System**

The owner of any house, building or property connected to the County public water supply system shall maintain the service connection and all other appurtenances thereto (other than the b-box, corporation stop, and meter, which shall be and remain the property of the County) in good repair and protected from frost at the owner's expense. In the event that the County becomes aware of deficiencies in the service connection, the County shall notify the owner of such deficiencies, either in person or in writing. The owner shall have the deficiencies corrected within 48 hours after such notice or as otherwise determined by the Director, after which the water supply shall be shut off and shall not be turned on again until such time as the deficiencies are corrected.

## **Sec. 2.5 Shut-Off Boxes**

B-boxes shall be placed on every service pipe and shall be located between the curb line and the sidewalk line or otherwise in a location approved by the Director. Such b-boxes shall be Minneapolis pattern and located such that they are easily accessible for maintenance by the Public Works Department.

If a Customer or a Customer's agent damages a b-box or corporation stop, then the Public Works Department shall cause the b-box or corporation stop to be repaired at the Customer's expense.

If the b-box is located on private property, then the owner of such private property grants to the County a license to go upon such private property for any purposes of connecting or disconnecting water service or repairing, replacing, or maintaining Water Facilities and such license shall be a precondition of any owner or user to connect to or remain connected to the County water service. Nothing contained herein shall be construed to require the County to make repairs of any Water Facilities located on private property. Furthermore, if there is more than one corporation stop located along a service connection, the County shall only be responsible for the maintenance and repair of the corporation stop closest to the water main.

B-boxes and corporation stops shall be located outside of any paved, hard surface driveway approaches or driveway areas where a new water service connection is installed for any one- and two-family dwellings. In all new subdivisions, water service connections, b-boxes, and corporation stops must be utilized in their designed and approved locations.

No person may interfere with the Public Works Department's access to a b-box or corporation stop, including, but not limited to, camouflaging or otherwise concealing the location of a b-box. To the extent that the a Customer has directly or indirectly concealed or permitted the concealment, or otherwise interfered with access to a b-box in a manner that causes the Public Works Department to incur additional costs when accessing a b-box (including paving over any b-box or corporation stop), the Public Works Department has the discretion to charge the Customer for such additional costs as a cost of water service.

#### **Sec. 2.6 Separate Services Required**

A separate water service connection is required for every building or residence. Where a building contains more than one commercial or industrial user or where the building contains a combination of commercial or industrial and residential uses, the County may require separate service connections for each use.

#### **Sec. 2.7 Duty to Notify at Change of Use, Ownership, Tenant or Process**

Each Customer is obligated to notify the County when the following occurs in connection with any premises from which such Customer receives water service from the County:

- a. Any structure or dwelling is to be sold, quit claimed, traded or otherwise transferred;
- b. The use of the property has or will change from its existing use;
- c. There is a change in process that impacts or can significantly impact the amount of water used or creates a new potential cross-connection as described in Article 5 of this Ordinance;
- d. There is a building expansion;
- e. There is a change of tenant;
- f. There are interior or exterior building changes that affect the use or water usage upon the premises.

## Article 3 – Use of Water System

### Sec. 3.1 Meters Required

- 3.1.1** All premises using the Water Facilities shall pay a meter fee for the County to install a water meter. Existing non-metered customers shall be required to install a water meter upon (a) change of use, or (b) at the time the property is transferred.
- 3.1.2** All meters placed in service on any premises connected directly or indirectly to the Water Facilities will be provided and owned by the County. The County retains the right to inspect, repair and replace the meters upon reasonable notice to the owner of the premises. If a Customer fails or refuses to allow the County reasonable access to premises on which a water meter is located, the County reserves the right to terminate water service to such premises.
- 3.1.3** The property owner shall bear the entire expense of all repairs on water meters on their premises due to freezing or from any other cause owing to the negligence of the said property owner or his tenant. The Director shall make the repairs and the cost thereof shall be billed at time and material to and be paid by the property owner.

### Sec. 3.2 Resale of Water and Unauthorized Use

No water supplied by the County Water Facilities shall be resold by any Customer, unless expressly provided otherwise by an agreement approved by the Approving Authority. No Customer may supply water to other houses, buildings or properties except for use on the premises and for the purpose specified in such Customer's approved application. No person shall make or employ any other person to make any tap or connection to a water service or undertake work upon a water service for alterations, repairs, extensions or attachments without written permit from the County. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the Customer, or the premises, or both.

### Sec. 3.3 Restrictions on Water Use

The following mandatory water conservation regulation shall be applicable to all Customers of the Public Works Department.

#### 3.3.1 Summer General Water Use Restriction

- 3.3.1.1** The use of water from the County water supply system for landscape irrigation (including shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens vegetables and flowers) and all outside water use including washing cars and vehicles and filling pools is prohibited between the hours 10:00 AM and 6:00 PM, from May 15 through September 15 of each year. New lawns (less than 3 months old) and hand held water cans shall be exempted from this provision.
- 3.3.1.2** Customers with even-numbered addresses shall be limited to watering lawns and gardens and other landscape uses, washing cars and vehicles, and using water for outside use only on even-numbered days. Occupants with odd-numbered addresses shall be limited to watering lawns and gardens and other landscape uses, washing cars and vehicles, and using water for outside use only on odd-numbered days. Addresses shall be determined based on billing address.

#### 3.3.2 Emergency Water Shortage

- 3.3.2.1** The Director is authorized, when the circumstances warrant, to issue a declaration of chronic water shortage, in order to ensure the maintenance of an adequate water supply

to meet residential, business and firefighting requirements. Upon the declaration of a chronic water shortage, the following authorities or restrictions shall immediately be in force and effect.

- a. Following the initial declaration of a chronic water shortage, the Director is authorized, for all landscape water use, washing of cars and vehicles, and outside water usage, to restrict or limit water usage to specific hours or to totally prohibit such outside water usage.

### **3.3.2.2 Public Use Conservation Programs**

When a chronic water shortage situation arises, the Director is authorized to order all public users to restrict activities calling for high water consumption. The high water consumption category includes, but is not limited to, the testing and clearing of fire hydrants, the cleaning of water mains, the conduct of fire drills, street washing (except in emergencies), sewer flushing, and the watering of public areas.

### **3.3.2.3 Administration**

The authority to administer and enforce this Ordinance shall be with the Director or his or her designees as provided in Article 7 of this Ordinance. Because the County provides public water services in some municipalities, the Director is authorized to delegate in writing enforcement of this Ordinance within municipal boundaries to officers or employees of that municipality, including court enforcement, if necessary.

### **3.3.2.5 Emergency Response Plan**

The Public Works Department shall establish an Emergency Response Plan for implementation during declared emergency water shortages.

## **Sec. 3.4 Water Conservation Requirements**

### **3.4.1 Plumbing Fixtures**

The department will follow the plumbing code adopted by the County.

Plumbing fixtures in all new construction, as well as replacement fixtures in existing construction, shall be labeled a WaterSense product, as specified by the USEPA. If no USEPA WaterSense labeled products exist for a type of plumbing fixture, then the fixture shall comply with applicable water conservation provisions of the Illinois Plumbing Code (77 Ill. Adm. Code 890).

### **3.4.2 Lavatories for Public Use**

Restrooms intended for public use shall be equipped with metering or self-closing lavatory faucets. This shall apply to all new construction as well as to replacement faucets.

### **3.4.3 Car Wash Facilities**

All new commercial car wash facilities shall be equipped with a water recycling system on both the wash and rinse water units. All existing commercial car wash facilities shall be equipped with such recycling systems when the systems are replaced.

### **3.4.4 Water Softeners**

Residential water softeners shall use no more than seventy-five (75) gallons during the entire regeneration cycle and must be sized to regenerate no more than three times per week.

### **3.4.5 Air Conditioning**

In all new construction and in all new remodeling, only closed-loop air conditioning systems shall be installed when water is used.

## **Sec. 3.5 Requirements and Restrictions Related to Meters**

### **3.5.1 Installation**

Meters shall be installed in a location that will provide unobstructed access to the water meter by County personnel for maintenance, repair and replacement of the water meter and connections to the plumbing system. It is the sole responsibility of the owner of the property to care for the water meter equipment, protect said meter from weather related damage and from abuse or neglectful damage from occupants, pets, remodeling and other activities.

### **3.5.2 Reading Meters**

Lake County shall read or cause to be read every water meter served by County water supply at such times as are necessary so that the bills may be sent out at the proper times. If for any reason any actual meter reading cannot be obtained for a Customer during a billing cycle, a bill may be rendered based on an estimate of water usage.

### **3.5.3 Testing Meters**

Upon complaint of the consumer and payment of the meter testing fee, such meter shall be removed and tested. If, upon testing, the meter is not found to be within AWWA standards for water meter accuracy, it shall be repaired or replaced and the fee returned to the consumer. If the meter is found to be within AWWA standards for water meter accuracy the fee shall be retained by the County and the meter reinstalled.

## **3.6 Unauthorized Interference or Use with Water Facilities**

- (a) No person shall in any manner obstruct the access to any stopcock, hydrant or valve, or any public faucet or opening for taking water in any street, alley, public ground or place connected with or part of the Water Facilities, nor pile or place any lumber, brick or building material or other article, thing or hindrance within twelve feet (12') of such Water Facilities, or so as to in any manner hinder, delay or obstruct the members of the fire department in reaching such facilities.
- (b) It shall be unlawful for any person in any manner to interfere with or obstruct the flow, retention, storage or authorized use of water in the water system, reservoir or plant, or any part thereof, or to injure, deface, remove or displace any water main, hydrant, service pipe, water meter, shutoff box, public fountain, valve, building or any part of the county's waterworks or supply system.
- (c) Unless approved in writing by the Director, no person except authorized members of the County or authorized members of local fire protection districts shall connect to any hydrant or other water source owned by the County.

## Article 4 – Liability

### Sec. 4.1 Service Failures and Interruptions

The right is hereby reserved to shut off the service to any Customer at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding, provided that, except in emergencies, the County will attempt to provide reasonable notice prior to such shutoff. These limitations are a condition of service and a contractual limitation of liability.

## Article 5 – Cross-Connection Control

### Sec. 5.1 Purpose

The purposes of these rules and regulations regarding cross-connection controls are:

- 5.1.1 To protect the public water supply system from contamination or pollutants by preventing backflow through the customer's water service connection and into the public water supply system.
- 5.1.2 To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.
- 5.1.3 To provide a cross-connection control program to ensure that installed backflow prevention devices are adequately maintained and operating properly to prevent the contamination or pollution of the public potable water supply systems.

### Sec. 5.2 Applicability

These rules and regulations regarding cross-connection controls shall apply to all premises served directly or indirectly by the Water Facilities.

It is the responsibility of each Customer to protect the Water Facilities from contamination and to prevent backflow into the Water Facilities by ensuring that all cross-connections are removed or that approved cross-connection control devices are installed for control of backflow and back-siphonage.

### Sec. 5.3 Water System

#### 5.3.1 Water System Components

The water system shall be considered as made up of two parts: the Water Facilities and the consumer's water system.

- 5.3.1.1 For the purposes of this Article 5, the Water Facilities shall consist of the source facilities, the distribution system, and the service lateral up to and including the corporation stop and shall include all those facilities under the control of the Director up to the point where the consumer's water system begins.
  - a. The source facilities shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.
  - b. The public water supply distribution system shall include the network of conduits and pipes used to deliver water from the source facilities to the consumer's water system.
  - c. For purposes of this Article 5, the service lateral under the control of the Director shall include the service pipe from the main up to and including the corporation stop at the b-box.
- 5.3.1.2 For purposes of this Article 5, the consumer's water system shall include all parts of the facilities beyond the corporation stop used to convey water into the building from the public water supply distribution system to points of use.

#### **Sec. 5.4 Cross-Connection Prohibited**

Connections between public water supply systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved isolation methods or cross-connection control devices are installed, tested and maintained to ensure proper operation on a continuing basis.

- 5.4.1** No physical connection shall be permitted between the Water Facilities and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency. No physical connection shall be allowed between the Water Facilities and any other water supply except as authorized in writing by the Director.
- 5.4.2** There shall be no arrangements or connection by which an unsafe substance may enter the Water Facilities.

#### **Sec. 5.5 Protection Required**

- 5.5.1** An approved backflow device shall be installed on connections to the public water supply in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890.1130 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system where, in the judgment of the Director, actual or potential hazards to the public water supply system exist.
- 5.5.2** An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where one or more of the following conditions exist:
  - 5.5.2.1** Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Director and the source is approved by the Agency.
  - 5.5.2.2** Premises on which any substance is handled which can create an actual or potential hazard to the Water Facilities. This shall include premises having sources or systems containing process fluids or waters originating from the Water Facilities, but which are no longer under the sanitary control of the Director.
  - 5.5.2.3** Premises having internal cross-connections that, in the judgment of the Director, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
  - 5.5.2.4** Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
  - 5.5.2.5** Premises having a repeated history of cross-connections being established or re-established.
- 5.5.3** An approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Director determines that no actual or potential hazard to the public water supply system exists:
  - a. Hospitals, mortuaries, clinics, nursing homes;
  - b. Laboratories;
  - c. Piers, docks, waterfront facilities;
  - d. Sewage treatment plants, sewage pumping stations or storm water pumping stations;
  - e. Food or beverage processing plants;
  - f. Chemical plants;

- g. Metal plating industries;
- h. Petroleum processing or storage plants;
- i. Radioactive material processing plants or nuclear reactors;
- j. Car washes;
- k. Pesticide, or herbicide or extermination plants and trucks;
- l. Farm service and fertilizer plants and trucks;
- m. Golf Courses;
- n. Irrigation;
- o. Fire suppression system

**5.5.4** If in the judgment of the Director or his authorized representative, an approved backflow prevention device is necessary for the safety of the Water Facilities, the Director shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense.

If the consumer fails, refuses or is unable to install such device or devices immediately, or if the Director reasonably believes that an imminent danger of harmful contamination of the Water Facilities exists, water service to the premises shall be discontinued until such device or devices have been installed or until the imminent danger to the public water supply has been eliminated. Water service to such premise shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Ordinance, and until the applicable reconnection fee is paid to Lake County. The Consumer may submit a written appeal of decisions in this section to the Director.

## **Sec. 5.6 Surveys and Investigations**

**5.6.1** In the interest of the public health safety and welfare, the IEPA requires the Department to administer a Cross Connection Control Program which is designed to protect the integrity of the Department's drinking water system. To comply with IEPA regulations, the Department is required to:

- Survey all public water system customers, to determine whether a cross-connection may exist in their home or business. The survey requests the home or business to identify the plumbing fixtures present and how the water is being used. The survey aids the Department in identifying actual or potential cross connections, as well as any plumbing fixtures installed to protect against backflow.
- Review the survey information to determine whether or not a follow-up inspection of the customer's plumbing system is required. If a follow-up inspection is required, the customer will be notified to arrange a meeting at their residence or business.

## **Sec. 5.7 Type of Protection Required**

**5.7.1** The type of protection required under Sections 5.5.2.1, 5.5.2.2, and 5.5.2.3 of this Ordinance shall depend on the degree of hazard which exists as follows:

- 5.7.1.1** An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
- 5.7.1.2** An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the Water Facilities may be contaminated with a substance that could cause a system or health hazard.

- 5.7.1.3** An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the Water Facilities may be polluted with substances that could cause a pollution hazard not dangerous to health.
- 5.7.1.4** A lawn irrigation installation shall use a reduced pressure zone (RPZ) device per Illinois Plumbing Code, 77 Ill. Adm. Code 890.
- 5.7.1.5** All exterior hose bibs shall have a vacuum breaker or air gap.
- 5.7.2** The type of protection required under Section 5.5.2.4 and 5.5.2.5 of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.
- 5.7.3** Where a public water supply or an auxiliary water supply is used for a fire protection pressure system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:
  - 5.7.3.1** The fire safety system contains antifreeze, fire retardant or other chemicals;
  - 5.7.3.2** Water is pumped into the fire safety system from another source; or
  - 5.7.3.3** Water flows by gravity from a non-potable source, or water can be pumped into the fire safety system from any other source; or
  - 5.7.3.4** There is a connection whereby another source can be introduced into the fire safety system.
- 5.7.4** All other fire safety systems connected to the potable water supply shall be protected by a double check valve.

**5.7.5 Booster Pumps**

Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a double check valve and a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

**Sec. 5.8 Backflow Prevention Devices**

- 5.8.1** Only approved backflow prevention devices may be employed for purposes of complying with the requirements of this Article.
- 5.8.2** Installation of an approved backflow prevention device shall be made in accordance with the manufacturer's instructions and shall be tested and approved by a Cross-Connection Control Device Inspector prior to initial operation. The consumer shall ensure that maintenance as recommended by the manufacturer of the device is performed and that the manufacturer's maintenance manual is available on-site.

## **Sec. 5.9 Inspection and Maintenance**

**5.9.1** It shall be the duty of the consumer at any premises on which backflow prevention devices required by this Ordinance are installed to have the devices inspected, tested, maintained and repaired in accordance with the manufacturer's instructions. Testing shall occur in accordance with the following schedule or more often where inspections indicate a need or as specified in the manufacturer's instructions.

**5.9.1.1** Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by-passed air gaps shall be made within 24 hours.

**5.9.1.2** Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within five (5) days.

**5.9.1.3** Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.

**5.9.1.4** Low pressure cut-off devices shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.

**5.9.2** Inspection and testing shall be performed by a Licensed Plumber who is a Cross-Connection Control Device Inspector. Proof of inspection and approval shall be provided to the Director in writing within 20 calendar days of the inspection.

### **5.9.3 Device Testing and Records**

- a. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
- b. Records submitted to the Public Works Department shall be available for inspection by Agency personnel in accordance with applicable law.
- c. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, type and date of repairs.
- d. The test report shall include:
  1. date of each test;
  2. name and license number of person performing the test;
  3. test result;
    - a. Device serial number
    - b. Physical location
    - c. Test pass or fail
    - d. Test kit used and calibration date
  4. repairs or servicing required;
  5. repairs and date completed; and
  6. service performed and dated completed.
- e. The consumer shall retain records of installation, maintenance, testing and repair as required by this Ordinance for a period of at least five (5) years.
- f. CCCDIs shall submit a copy of each test report directly to the Public Works Department within 20 calendar days of each test. However, the owner shall bear the ultimate responsibility to insure that all reports are submitted to the County as prescribed by the provision of this Ordinance. CCCDIs shall submit test reports for both passing and failing test results.

- 5.9.4** Whenever backflow prevention devices required by these regulations are found to be defective, the Director shall be notified of the results of the testing in writing within three (3) days of the test/inspection and the defective backflow prevention device shall be repaired or replaced at the expense of the consumer within 10 days. Written notice of the repair or replacement and results of the post-repair re-testing shall be provided in writing to the Director within three (3) days of such corrective action.
- 5.9.5** Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Director.
- 5.9.6** Any backflow prevention device that does not have a manufacturer's serial number shall be replaced immediately.

## Article 6 – Inspection

### Sec. 6.1 Right of Access and Inspection

The Director, with the consent of the property owner, shall access any premises connected directly or indirectly to the Water Facilities for purposes of reasonable inspection to ascertain whether such premises are connected to the County water system, to inspect the plumbing within the building and the number and type of water connections to the water system, and to inspect the water meter on the premises.

Where it is necessary to make an inspection to enforce the provisions of this ordinance, or where the Director has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this ordinance which makes the structure or premises unsafe, dangerous or hazardous, the Director is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this ordinance, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the Director shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry.

## Article 7 – Fines, Enforcement & Penalties

### Sec. 7.1 Fines

Any person or user who violates any provision or section of this Ordinance shall be subject to a fine as authorized by the Lake County Administrative Adjudication Ordinance, the Rate Ordinance, or by statute of the State of Illinois. Each violation of a separate provision or section of this Ordinance shall be a separate offense and subject to a separate fine. Each day that a violation exists or continues shall be considered a separate offense. Any fine or fines for these separate offenses shall be assessed in accordance with applicable ordinances or State statute.

### Sec. 7.2 Administrative Adjudication

#### 7.2.1 Enforcement Officer

All sections of this Ordinance may be enforced by the Director, Director of the Lake County Planning, Building & Development Department, or the designee of either of the above.

#### 7.2.2 Warning of Ordinance Violation

The Enforcement Officer, as defined in Section 7.2.1 shall have the authority to issue a Warning of Ordinance Violation when an individual has been found to be in violation of any provision of this Ordinance. The Warning shall, at a minimum, identify the violation for which it is being issued, shall include the address in which the violation has occurred, shall require the violator to cease the violation(s) or take such action required to abate the violation(s) within a reasonable time for the performance of any act it requires, and shall state that a Notice of Ordinance Violation may be issued if the Warning is not adhered to as specified.

#### 7.2.3 Notice of Ordinance Violation

If an individual has previously been issued a Warning of Ordinance Violation and the individual fails to abate the violation by the date specified in the Warning, the Enforcement Officer shall have authority to issue a Notice of Ordinance Violation. If Administrative Adjudication is found to be the appropriate remedy to resolve the violation, the Notice must be served in accordance with and shall contain all information specified and required in the Lake County Administrative Adjudication Ordinance. Prior to the hearing date documented on the Notice of Ordinance Violation, the Respondent may elect to abate or cease the violation for which the Notice of Ordinance Violation was issued, pay the fine listed on the Notice of Ordinance Violation, and not participate in the hearing.

### Sec. 7.3 Injunctive Relief

The Director may also take any other available legal action necessary to prevent or to remedy any violation, including seeking injunctive relief or pursuing the disconnection of water service as specified in Section 7.4.

### Sec. 7.4 Water Service Disconnection

- 7.4.1 (a) The Director shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises for either (i) nonpayment of Permit Fees, Water Service Charges, or any other costs or expenses that a Customer is obligated to pay under this Ordinance but has failed or refused to pay, or (ii) nonpayment of fees, charges, or other costs or expenses that a Customer is obligated to pay under the Sewer Use Ordinance or any applicable agreement that the County has entered into relating to sanitary sewerage services. Prior to disconnection the County will mail three notices to the service address on file and the Customer may contact the Director to settle the outstanding balance or make payment arrangements to avoid service disconnection.

The Third and Final Notice shall state "No further notices will be sent to you prior to disconnection".

- (b) Except as otherwise expressly provided in this Ordinance, any property found to be in violation of this Ordinance or the County's Sewer Use Ordinance for reasons other than nonpayment shall be subject to discontinuation of water service in the event such violation is not corrected within 48 hours after written notice identifying the violative conditions.
  - (c) Water service to such premises shall not be restored until the consumer has corrected deficiencies in conformance with this Ordinance and to the satisfaction of the Director, and all fees are paid.
- 7.4.2** In cases where, in the Director's judgment, a health hazard exists or such disconnection is necessary to protect the public health, welfare and safety no prior notice shall be required. This may include that a backflow prevention device required by these regulations is not installed, tested, maintained, inspected and repaired in a manner acceptable to the Director, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.
- 7.4.3** For any premises where water service has been disconnected, water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Ordinance and to the satisfaction of the Director, and all required fees are paid.
- 7.4.4** Neither Lake County nor or its employees, agents or designees shall be liable to any customers of the County public water supply system for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.
- 7.4.5** Where violations of this ordinance result in impacts to the public water supply (including, but not limited to, the contamination of the public water supply system through an illegal cross-connection or an improperly installed, maintained or repaired backflow prevention device, or a device which has been bypassed), the consumer responsible for the impact shall bear the cost to repair and/or clean-up the Water Facilities.
- 7.4.6** It shall be unlawful for any person to reconnect or turn on any water service which has been disconnected by the County without written approval of the Director. Any person found guilty of violating this section may be fined in accordance with Section 7.1. In addition, when the County is notified that water service has been unlawfully reconnected, the County shall have the power to immediately disconnect such service without notice.
- 7.4.7** All costs incurred by the County in disconnecting water service may be borne by and be the responsibility of the owner of the property served. All such costs shall be paid to the County before service is restored to said property.
- 7.4.8** Disconnection: A customer whose service has been disconnected can have that service restored on the same day, provided that all outstanding fees are paid and reconnection can be performed before 5:00 p.m.
- 7.4.9** Service Suspension: a minimum bill (2,000 gal/month) will be charged for services that have been temporarily suspended. If turn-on/turn-off service is requested by the property owner, a fee will be assessed per the County's Rate Ordinance.

**Sec. 7.5 Liability**

Any person violating any of the provisions of this Ordinance, in addition to the fine provided shall become liable to the County for any expense, loss or damage occasioned by the County by reason of such violations, whether the same was caused before the notice.

## Article 8 – Validity/Severability

### Sec. 8.1

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

### Sec. 8.2

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

## Article 9 – Ordinance in Force

This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

## Article 10 – Variance and Appeal Process

### 10.1 Variances

Variances from the regulatory standards of this Ordinance may be granted in accordance with the requirements provided below. Any application for a variance shall be made to, and decided by, the Engineering Supervisor.

Individuals seeking a variance must submit a letter addressed to the Engineering Supervisor. The letter must contain:

- a request for a variance
- Citation to the relevant section of this Ordinance
- A narrative describing the reason for the variance request

The Public Works Department shall grant or deny the variance request if the Engineering Supervisor finds that all of the following criteria are met:

1. There are exceptional or extraordinary circumstances that apply to the subject of the request that do not apply to similar properties, projects or requests.
2. The variance will not threaten public health, safety, or welfare, or create a nuisance
3. No additional public expense will result
4. Cost to the applicant of strictly complying with the ordinance is not the primary reason for granting the variance.