

ORDINANCE 2015-O-19

**AN ORDINANCE AMENDING §§ 150.001 AND 150.002
OF THE MUNICIPAL CODE OF WINTHROP HARBOR
CLARIFYING SUPREMACY OF ILLINOIS PLUMBING CODE**

WHEREAS, the current Municipal Code of this Village has adopted the Illinois Plumbing Code subject to certain stated modifications, and

WHEREAS, since this code provision was adopted in 2008, the State of Illinois has adopted rules which require local municipalities to adopt the Illinois Plumbing Code without modifications, and further require the adoption of WaterSense fixtures and irrigation controllers so as to preserve and protect the potable water supply and the resources of Lake Michigan, and

WHEREAS, those same rule changes have resulted in the State being the only body authorized to regulate licensed plumbers and to enforce the rules when infractions do occur, and

WHEREAS, the Corporate Authorities of this Village deem it in the best interests of the residents, builders, landowners and homeowners of this Village to adopt the codes required by the State of Illinois,

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: Section 150.001(C) of the Winthrop Harbor Municipal Code is hereby amended in its entirety and it shall hereafter read as follows:

§150.001 BUILDING CODES ADOPTED.

(C) **Illinois Plumbing Code.** The Illinois Plumbing Code, 77 Ill. Admin. Code 890 et seq., as amended from time to time, is adopted by reference in its current form, without modification, exception or amendment.

SECTION TWO: Section 150.002(C) of the Winthrop Harbor Municipal Code is hereby amended in its entirety, and it shall hereafter read as follows:

(C) **WaterSense Fixtures and Irrigation Controllers Required:** Pursuant to 17 Ill. Adm. Code 3730.307 (c) 4) and subject to the Illinois Plumbing Code (77 Ill. Adm. Code 890) and the Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code (77 Ill. Adm. Code 892), all new plumbing fixtures and irrigation controllers installed after the effective date of this ordinance shall bear the WaterSense label (as designed by the U.S. Environmental Protection Agency WaterSense Program), when such labeled fixtures are available..

SECTION THREE: Section 150.999 of the Winthrop Harbor Municipal Code is hereby amended by the addition of the following subsection I, which shall hereafter read as follows:

(I) Nothing in this Section or Chapter may be construed to impose any fine or penalty, nor to impose regulations of any kind, nor to stand for the proposition that the Village has the power to enforce regulations against licensed plumbers or plumbing contractors, since State law grants exclusive powers in these areas to the Illinois Department of Public Health. Accordingly, all alleged violations of the Illinois Plumbing Code will be referred to the Illinois Department of Public Health, consistent with the requirements of the Plumbing Licensing Law (225 ILCS 320).

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR, ILLINOIS, ON THIS 18TH DAY OF AUGUST, 2015.

APPROVED:

ROBERT D. LOY, MAYOR

ATTEST:

JANA J. LEE, VILLAGE CLERK

AYES: Braden, Marabella, McCarthy, Robards, Weiss

NAYS: NONE

ABSENT: Hargett

FIRST AND SECOND READING: WAIVED August 18, 2015

ORDINANCE PASSED: August 18, 2015