VILLAGE OF KIRKLAND
DEKALB COUNTY, ILLINOIS
ORDINANCE NO. 2026-18

AN ORDINANCE AMENDING CHAPTER 52 OF THE VILLAGE CODE OF THE VILLAGE OF KIRKLAND TO ESTABLISH CROSS-CONNECTION CONTROL, BACKFLOW PREVENTION, ANNUAL TESTING, AND THERMAL EXPANSION REQUIREMENTS

WHEREAS, the Village of Kirkland, DeKalb County, Illinois (the "Village"), owns and operates a public water supply system serving residents, businesses, and other properties within the Village; and

WHEREAS, the Village is responsible for protecting its public water supply system against contamination and pollution resulting from cross-connections, backflow, and backsiphonage; and

WHEREAS, the Illinois Environmental Protection Agency requires community water supplies to establish and maintain cross-connection control programs pursuant to 35 Ill. Adm. Code 604.1505 and other applicable regulations; and

WHEREAS, the Illinois Plumbing Code, 77 Ill. Adm. Code 890, establishes requirements governing the protection of potable water systems, including the installation, inspection, testing, maintenance, and repair of backflow prevention devices and assemblies; and

WHEREAS, the Village desires to establish uniform requirements for the installation, inspection, testing, maintenance, and reporting of backflow prevention devices and assemblies, including requirements applicable to commercial, industrial, multifamily residential, and residential irrigation systems; and

WHEREAS, the Village further desires to establish appropriate requirements for the control of thermal expansion in closed plumbing systems; and

WHEREAS, the President and Board of Trustees find that adoption and enforcement of these requirements are necessary and appropriate to protect the public water supply and promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Kirkland, DeKalb County, Illinois, as follows:

SECTION 1. RECITALS.

The foregoing recitals are hereby incorporated into and made a part of this Ordinance.

SECTION 2. AMENDMENT TO CHAPTER 52.

Chapter 52, entitled "Water," of the Village Code of the Village of Kirkland is hereby amended by adding a new article entitled "Cross-Connection Control and Backflow Prevention," consisting of Sections 52.53 through 52.64, to read as follows:

CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION

§ 52.53 PURPOSE, APPLICABILITY, AND DEFINITIONS.

(A) Purpose. The purpose of this Article is to protect the Village's public water supply system and the potable water systems of its customers from contamination or pollution caused by cross-connections, backflow, or backsiphonage.

(B) Applicability. The requirements of this Article shall apply to all properties, buildings, facilities, plumbing systems, and water service connections served by the Village's public water supply system, whether constructed or installed before or after the effective date of this Article.

(C) Applicable Regulations. All installations, inspections, testing, maintenance, and repairs required under this Article shall comply with the Illinois Plumbing Code, 77 Ill. Adm. Code 890, applicable Illinois Environmental Protection Agency regulations, including 35 Ill. Adm. Code 604.1505, and all other applicable laws and regulations. Where this Article establishes requirements more restrictive than otherwise applicable requirements, the more restrictive requirements shall govern to the extent permitted by law.

(D) Definitions. For purposes of this Article, the following terms shall have the meanings set forth below:

APPROVED BACKFLOW PREVENTION ASSEMBLY OR DEVICE. A backflow prevention assembly, device, or method approved for its intended application under the Illinois Plumbing Code and applicable Illinois Environmental Protection Agency regulations.

BACKFLOW. The reversal of the normal direction of flow of water or other substances into a potable water supply system as a result of backpressure, backsiphonage, or other conditions.

CLOSED PLUMBING SYSTEM. A plumbing system in which water cannot flow back toward the source of supply because of a check valve, backflow prevention assembly, pressure-reducing valve, or other device or arrangement that prevents reverse flow.

CROSS-CONNECTION. Any physical connection or arrangement between a potable water system and another system, source, or substance of unknown or questionable quality through which contamination or pollution could enter the potable water system.

CROSS-CONNECTION CONTROL DEVICE INSPECTOR (CCCDI). A person holding the qualifications and approval required by the Illinois Environmental Protection Agency and applicable State law to inspect and test backflow prevention assemblies.

OWNER. The owner of record of property served by the Village's public water supply system, including the owner's authorized agent where applicable.

REDUCED PRESSURE ZONE (RPZ) ASSEMBLY. An approved reduced pressure principle backflow prevention assembly meeting applicable State standards.

SUPERINTENDENT. The Superintendent of Public Works of the Village of Kirkland or the Superintendent's authorized designee.

THERMAL EXPANSION. An increase in the volume of water resulting from heating, which may cause an increase in pressure within a closed plumbing system.

§ 52.54 CROSS-CONNECTIONS PROHIBITED.

(A) No person shall establish, maintain, permit, or allow any unprotected cross-connection through which contaminants, pollutants, or other unsafe substances may enter the Village's public water supply system or a potable water system.

(B) No person shall connect or permit the connection of an auxiliary, private, emergency, or other water supply to the Village's public water supply system unless the connection and required means of protection have been approved in accordance with applicable State law and by the Village.

(C) Every cross-connection shall be eliminated or protected by an approved backflow prevention assembly, device, or method appropriate to the degree of hazard presented.

(D) No person shall bypass, remove, disable, alter, or otherwise render ineffective any required backflow prevention assembly or device, except as necessary for authorized maintenance, repair, or replacement performed in accordance with applicable law.

(E) Where a property contains a private well or other auxiliary water supply, the owner shall ensure that no unauthorized connection exists between such supply and the Village's public water supply system. The existence of a private well otherwise permitted under § 52.02 shall not exempt the property from the requirements of this Article.

§ 52.55 ADMINISTRATION, SURVEYS, AND INSPECTIONS.

(A) The Superintendent shall administer and enforce this Article on behalf of the Village.

(B) The Superintendent is authorized to identify properties and water service connections requiring backflow prevention protection, determine the applicable protection requirements consistent with State law and this Article, review inspection and testing records, issue notices of violation, and require corrective action.

(C) The Village may require an owner or water customer to provide information concerning the property's water use, plumbing systems, auxiliary water supplies, backflow prevention assemblies, and potential cross-connections.

(D) In addition to the inspection authority provided under §§ 52.34(F) and 52.65, the Superintendent and authorized representatives may request access to properties served by the Village's water system at reasonable times and upon reasonable notice for inspections and investigations related to cross-connection control. Entry into nonpublic areas shall be with consent or pursuant to other lawful authority.

(E) The Village shall conduct or cause to be conducted cross-connection control surveys and maintain an inventory of water service connections and backflow prevention assemblies as required by applicable Illinois Environmental Protection Agency regulations.

(F) The Superintendent may require additional inspection or evaluation of a property when information obtained through a survey, testing, inspection, or other investigation indicates an actual or potential cross-connection hazard.

§ 52.56 OWNER RESPONSIBILITIES.

(A) Each property owner shall be responsible, at the owner's expense, for the installation, inspection, testing, maintenance, repair, and replacement of all backflow prevention assemblies and devices required to protect the property's plumbing system and the Village's public water supply.

(B) Each owner shall maintain required backflow prevention assemblies and devices in proper operating condition and shall ensure that they remain accessible for inspection, testing, maintenance, and repair.

(C) Each owner shall arrange for all required inspections and testing by properly qualified personnel and shall ensure that the Village receives the required inspection and testing reports.

(D) The obligations imposed by this Article shall apply regardless of whether the property is occupied by the owner, a tenant, or another person.

(E) The requirements of this Section shall be in addition to the obligations established under § 52.36 concerning the maintenance and repair of water service pipes and fixtures.

§ 52.57 BACKFLOW PREVENTION AND CONTAINMENT REQUIREMENTS.

(A) Approved backflow prevention protection shall be installed at all locations required by the Illinois Plumbing Code, applicable Illinois Environmental Protection Agency regulations, and this Article.

(B) The type and location of required protection shall be determined by the nature and degree of the actual or potential hazard, the configuration of the plumbing system, the nature of the property's use, and applicable State requirements.

(C) The Superintendent may require containment protection at a water service connection when an actual or potential cross-connection hazard exists or when such protection is otherwise required under this Article.

(D) Where necessary, approved backflow prevention protection shall be provided at individual fixtures, equipment, processes, or other locations within a property in addition to any required containment assembly at the water service connection.

(E) All required assemblies and devices shall be approved for their intended application and installed in accordance with applicable State law, manufacturer specifications, and Village requirements.

§ 52.58 COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY RESIDENTIAL FACILITIES.

(A) Every commercial, industrial, and multifamily residential facility served by the Village's public water supply system shall be equipped with an approved Reduced Pressure Zone (RPZ) backflow prevention assembly providing containment protection at each water service connection serving the facility.

(B) The required RPZ assembly shall be installed immediately downstream of the water meter serving the applicable connection and before any branch piping, or at another location approved

by the Superintendent that provides equivalent containment protection and complies with applicable State requirements.

(C) The requirements of this Section shall apply to both new and existing buildings, facilities, and water service connections. No property shall be exempt solely because its construction or water service installation predates the adoption of this Article.

(D) Where a property contains equipment, processes, or other conditions presenting an additional cross-connection hazard, separate approved backflow prevention protection shall be installed at the applicable location as required by the Illinois Plumbing Code or as determined by the Superintendent in accordance with applicable law.

(E) Existing facilities that do not satisfy the requirements of this Section shall be brought into compliance within the period established by § 52.62.

(F) Where a particular connection or installation requires an alternative or additional method of protection under applicable State law, such protection shall be provided notwithstanding the requirements of this Section.

§ 52.59 RESIDENTIAL IRRIGATION SYSTEMS.

(A) All underground residential lawn sprinkler and landscape irrigation systems connected to the Village's potable water supply shall be protected by an approved Reduced Pressure Zone (RPZ) assembly or Pressure Vacuum Breaker (PVB), as appropriate for the installation and permitted by the Illinois Plumbing Code.

(B) Backflow prevention assemblies and devices serving irrigation systems shall be installed, maintained, inspected, and tested in accordance with applicable State requirements and this Article.

(C) An irrigation system that is temporarily shut off, winterized, or otherwise taken out of seasonal operation shall remain subject to applicable inspection and testing requirements so long as the system remains connected to the potable water supply.

(D) An owner may request a temporary exemption from annual testing for an irrigation system that has been physically disconnected, severed, or capped so that no connection to the potable water supply remains. Such exemption shall be subject to inspection and written approval by the Superintendent.

(E) An exemption granted under subsection (D) shall apply only during the period in which the irrigation system remains physically disconnected from the potable water supply.

(F) No irrigation system receiving an exemption under this Section may be reconnected or returned to service until all applicable backflow prevention installation, inspection, and testing requirements have been satisfied.

§ 52.60 THERMAL EXPANSION PROTECTION.

(A) Where installation of a backflow prevention assembly, check valve, pressure-reducing valve, or other device creates a closed plumbing system, appropriate thermal expansion protection shall be provided when required by the Illinois Plumbing Code.

(B) Closed plumbing systems with hot-water storage shall be equipped with a properly sized thermal expansion tank installed in accordance with 77 Ill. Adm. Code 890.1130 and other applicable requirements.

(C) In existing buildings, an alternative method of thermal expansion protection may be utilized only where expressly permitted by the Illinois Plumbing Code.

(D) Thermal expansion protection required as a result of installation or modification of a backflow prevention assembly shall be installed in conjunction with that work and before the affected plumbing system is returned to service.

(E) All thermal expansion protection shall be installed and maintained in accordance with applicable State law and manufacturer specifications.

§ 52.61 INSTALLATION, ANNUAL TESTING, MAINTENANCE, AND REPORTING.

(A) All backflow prevention assemblies and devices required by this Article shall be installed by persons authorized to perform the work under applicable Illinois law.

(B) Every backflow prevention assembly requiring field testing under the Illinois Plumbing Code or applicable Illinois Environmental Protection Agency regulations shall be tested upon installation and before being placed into service.

(C) Thereafter, each such assembly shall be inspected and tested at least once every twelve (12) months, or more frequently when required by applicable State law, manufacturer specifications, or an identified hazard.

(D) All required testing shall be performed by a properly qualified and approved Cross-Connection Control Device Inspector (CCCDI).

(E) The owner shall ensure that a complete inspection or testing report is submitted to the Village Public Works Department within fifteen (15) days after the inspection or testing is completed.

(F) Each report shall identify the property, location and type of assembly, date of inspection or testing, identity and approval number of the inspector, results, and any repairs or corrective measures required.

(G) Each assembly shall bear the identification or inspection tag required by applicable State regulations. The owner shall maintain the required inspection, testing, maintenance, and repair records and make them available to the Village upon request.

(H) Any assembly that fails a required test or is found defective shall be repaired or replaced promptly and, except where a shorter period is necessary to protect the public water supply, within five (5) days after discovery of the deficiency. Following repair or replacement, the assembly shall be retested as required before being returned to service.

(I) Where a defective assembly or device presents an immediate threat of contamination, the Village may require immediate corrective action or discontinue water service in accordance with § 52.63.

(J) An owner shall not be required to conduct a mechanical field test of a device or method that is not designed or required to undergo such testing. Such devices and methods shall remain subject to applicable inspection, maintenance, and replacement requirements.

§ 52.62 INITIAL COMPLIANCE AND EXISTING INSTALLATIONS.

(A) Applicability. The requirements of this Article shall apply to all existing and new properties, buildings, facilities, plumbing systems, and water service connections. Existing installations shall not be exempt solely because they predate this Article.

(B) Initial Testing. Within ninety (90) days following the effective date of this Article, every owner of property containing a backflow prevention assembly subject to annual testing shall cause each such assembly to be inspected and tested by a qualified CCCDI and shall ensure that the test results are submitted to the Village within the same ninety (90) day period. An owner who provides documentation of a satisfactory test performed within the twelve (12) months preceding the effective date of this Article shall be deemed to have satisfied the initial testing requirement for that assembly.

(C) Continuing Testing. Following the initial testing required by subsection (B), each assembly subject to annual testing shall be inspected and tested at least once every twelve (12) months, measured from the date of the preceding satisfactory test.

(D) Existing Installation Compliance. Within one hundred eighty (180) days following the effective date of this Article, all existing properties, buildings, facilities, plumbing systems, and water service connections shall be brought into compliance with the installation, containment, thermal expansion, and other applicable protection requirements of this Article, including installation of RPZ assemblies where required.

(E) New Installations. All new construction, water service connections, plumbing installations, and modifications requiring backflow prevention protection shall comply with this Article at the time of installation and before being placed into service.

(F) Administrative Extension. The Superintendent may grant one written extension, not exceeding ninety (90) additional days, for compliance with the installation requirements of subsection (D), upon a written request demonstrating that:

1. The owner has made a good-faith effort to comply within the initial compliance period;

2. The required installation work has been contracted for or otherwise reasonably arranged;

3. Completion within the initial period is impracticable because of equipment availability, contractor scheduling, or other circumstances reasonably beyond the owner's control; and

4. The extension will not present an unacceptable risk to the Village's public water supply.

(G) An extension granted under subsection (F) shall not extend or excuse the initial or continuing testing requirements of this Article.

(H) Immediate Hazards. Nothing in this Section shall authorize the continued existence of an unprotected cross-connection, defective assembly, or other condition presenting an immediate threat to the Village's public water supply. The Village may require immediate corrective action or discontinue water service when necessary to protect the public water supply.

§ 52.63 VIOLATIONS, NOTICE, AND DISCONNECTION OF WATER SERVICE.

(A) It shall be unlawful for any person to violate or fail to comply with any requirement of this Article.

(B) Upon determining that a property is in violation of this Article, the Superintendent may issue written notice identifying the violation, the corrective action required, and the period allowed for compliance.

(C) Except where a shorter period is expressly required by this Article or immediate action is necessary to protect the public water supply, the notice shall provide thirty (30) days for correction of the violation.

(D) Failure to complete required annual testing, submit required reports, install required protection, maintain required assemblies, or correct a defective installation within the applicable compliance period shall constitute grounds for enforcement under this Article.

(E) In addition to the authority provided under § 52.52(D), the Superintendent may discontinue water service to any property that fails to comply with the requirements of this Article following written notice and expiration of the applicable compliance period. Before discontinuing service for a nonemergency violation, the Village shall provide written notice identifying the unresolved violation, the intended disconnection, and a reasonable opportunity to demonstrate compliance or contest the determination before the Superintendent or another designated Village official.

(F) Where the Superintendent determines that an actual or imminent threat of contamination or pollution of the public water supply exists, the Village may immediately discontinue water service or take other necessary protective measures without first providing the notice otherwise required by this Section.

(G) Following an emergency disconnection, the Village shall provide written notice to the owner or water customer identifying the reason for disconnection and the corrective measures necessary for restoration of service as soon as reasonably practicable.

(H) Water service discontinued pursuant to this Article shall not be restored until the condition giving rise to the disconnection has been corrected to the satisfaction of the Village, all required inspections or tests have been completed, and the applicable reconnection fee established under § 52.52(D) has been paid.

(I) Disconnection of water service under this Section shall be undertaken for the protection of the public water supply and shall not preclude any other lawful enforcement remedy.

§ 52.64 PENALTIES AND RECOVERY OF COSTS.

(A) Any person violating any provision of this Article shall be subject to the penalties established under § 52.99 of this Code. Each day a violation continues shall constitute a separate offense.

(B) All costs associated with compliance with this Article, including installation, testing, inspection, maintenance, repair, replacement, and corrective work, shall be borne by the property owner unless otherwise required by law.

(C) Any person whose unlawful cross-connection, defective or improperly maintained assembly, unauthorized bypass, or other violation of this Article causes contamination of or damage to the Village's public water supply system shall be responsible, to the extent permitted by law, for the reasonable costs incurred by the Village in investigating, containing, correcting, and remediating such contamination or damage.

(D) The remedies provided by this Article shall be cumulative, and the Village may pursue any lawful remedy necessary to enforce its requirements and protect the public water supply.

SECTION 3. CONTINUED EFFECT OF EXISTING PROVISIONS.

Except as expressly amended by this Ordinance, all provisions of Chapter 52 of the Village Code shall remain unchanged and in full force and effect. The provisions added by this Ordinance shall be construed together with the existing provisions of Chapter 52, including §§ 52.36, 52.52, 52.65, 52.66, 52.67, and 52.99.

SECTION 4. REPEALER.

All ordinances or portions of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity or enforceability of the remaining provisions, which shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the President and Board of Trustees of the Village of Kirkland, DeKalb County, Illinois, this 19 day of OCTOBER, 2026.

AYES: 6

NAYS: Ø

ABSENT: Ø

ABSTAIN: Ø

APPROVED this 19 day of OCTOBER, 2026.

Village President

ATTEST:

Village Clerk



CERTIFICATION

I, LESLIE SCIDMORE, certify that I am the Clerk of the Village of Kirkland, DeKalb County, Illinois, and that as Clerk, I am the keeper of the records and minutes and proceeding of the President and Board of Trustees of said Village of Kirkland.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Kirkland, held on the 19th day of October, 2026, the foregoing Ordinance entitled AN ORDINANCE AMENDING CHAPTER 52 OF THE VILLAGE CODE OF THE VILLAGE OF KIRKLAND TO ESTABLISH CROSS-CONNECTION CONTROL, BACKFLOW PREVENTION, ANNUAL TESTING, AND THERMAL EXPANSION REQUIREMENTS was duly passed by the President and Board of Trustees of the Village of Kirkland.

The pamphlet form of Ordinance No. 2026-18, including the Ordinance was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 19th day of October, 2026, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hands and seal of the Village of Kirkland this 19th day of October, 2026.

Leslie R Scidmore

Leslie Scidmore, Village Clerk
Village of Kirkland
Dekalb County, Illinois

(SEAL)

VILLAGE OF KIRKLAND
DeKALB CO
ILL
CORPORATE SEAL