

CITY OF AURORA, ILLINOIS
ORDINANCE NO. _____
DATE OF PASSAGE _____

**AN ORDINANCE AMENDING SECTION 48-26 ENTITLED
“RESPONSIBILITY FOR INSTALLATION, MAINTENANCE” OF DIVISION 1,
ARTICLE II, CHAPTER 48 OF THE AURORA CODE OF ORDINANCES**

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, it is desirable to amend certain provisions regarding the responsibilities of property owners and the City with respect to installation and maintenance of water service facilities, which provide water service to private property in the City of Aurora.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, that Chapter 48, Article II, Division 1, Section 48-26 of the Aurora Code of Ordinances shall be amended as follows:

Section One: That Section 48-26 entitled “Responsibility for installation, maintenance” of the City of Aurora Code of Ordinances shall be amended as follows:

Sec. 48-26. Responsibility for installation, maintenance.

- (a) The owner of property being furnished water service by the city must at his own expense make connection to the corporation ~~cock~~stop and install service pipes and accessories and furthermore must not do anything which might damage the service pipes, curb box, ~~curb-cock~~service valve, meters and meter shutoff valves or prevent all meters and valves from being accessible and capable of being operated.
- (b) ~~The city shall be solely responsible for maintaining and repairing the service pipe, curb box and cock, meters and valves from the water main to, and including, the~~

water meter. The property owner shall continue to own said pipe, box, cock, and valves. The owner of property being furnished water service by the city shall own and be responsible for the maintenance, repair and replacement of the entire water service facility, beginning at the public water main, including, without limitation, frozen pipes, replacement of facilities due to deterioration or as otherwise required by mandate of City, State or Federal laws or regulations.

(c) The owner of property which is furnished water service under the conditions imposed by this article must notify the city whenever he has knowledge through his own observation or through information brought to his attention of water leaking from the pipes and accessories under his control.

(d) The City may choose to repair a water service facility at the City's expense, in the discretion of the Water and Sewer Superintendent, based upon the following:

i. The City has not performed more than two repairs previously of the water service facility;

ii. Domestic water service pipes:

A) When the public water main and the curb box are located in a public right of way;

B) When the public water main is located in a public right of way or easement and the curb box is located on private property, the City may repair the service pipe and valve from the public water main to the limit of the public right of way.

C) When the public water main and the curb box are located on private property, the City may repair the service pipe and valve from the public water main to the service valve;

main

D) When the City has notified a property owner of the need to repair or replace a domestic water service pipe, curb box and/or valve located either on property or in the public right of way, and the work has not been completed within a reasonable time, as determined by the Water and

private

completed

Sewer Superintendent, the City may then choose to shut off the domestic water service until the work has been completed, or repair or replace said facility(s) at the private property owner's expense, and record a lien on the property for the reasonable cost of the repair or replacement if the property owner fails to pay the City for the cost of the repair or replacement within thirty (30) days of receiving an invoice from the City.

iii. Fire protection service pipes and combined fire/domestic service pipes: The private property owner shall be solely responsible for maintaining and repairing the service pipe, curb box, corporation stop and valves from the public water main.

iv. Water meters: The City shall be responsible for maintaining and

repairing water meters which become non- functioning after normal use/life. The City may repair or replace, in the sole discretion of the Water and Sewer Superintendent, a frozen or damaged water meter on private property, but the repair or replacement will be made at the private property owner's expense after the Water and Sewer Superintendent has provided the property owner with reasonable notice of his or her intent to repair or replace the water meter In the event that a property owner fails to pay the City for the cost of repairing or replacing a frozen or damaged water meter within thirty (30) days of receiving an invoice from the City, the City shall have the right to record a lien against the property for the cost of the repair or replacement. Notwithstanding any repair or replacement of a water meter by the City, the private property owner shall continue to own the water meter.

(e) The City will not be responsible for making any repairs, or paying any repair expenses, that are caused by the negligent, reckless or intentional acts or omissions of the owner or occupant of the real property, or the acts or omissions of the property owner or occupant's agents, employees, volunteers, contractors or subcontractors of any tier.

Section Two: That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Section Four: That any Section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining Sections or provisions which shall remain in full force and effect thereafter.

PASSED by the City Council of the City of Aurora, Illinois, on _____.

AYES _____ NAYES _____ NOT VOTING _____

APPROVED AND SIGNED by the Mayor of the City of Aurora, Illinois, on _____.

Mayor

ATTEST:

City Clerk

City of Aurora

Law Department
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