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ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD

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FILE NO. 83-009

PUBLIC HEALTH:  
Demarcation Point Between  
Municipal or Other Potable  
Water Distribution System and  
Plumbing System

William L. Kempiners, Director  
Illinois Department of Public Health  
535 West Jefferson Street  
Springfield, Illinois 62761

Dear Director Kempiners:

I have your letter wherein you inquire whether that part of a municipal or other potable water distribution system which extends onto private property, pursuant to an easement for public use, is a "plumbing system" subject to the provisions of the Illinois Plumbing License Law (Ill. Rev. Stat. 1981, ch. 111, par. 1101 et seq.). Your office has subsequently stated that you are primarily concerned with the

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installation of water meters. For the reasons hereinafter stated, it is my opinion that a municipal or other potable water distribution system extends up to and includes a water meter, and that the plumbing system extends beyond that point, regardless of whether any part of the municipal or other potable water distribution system is on private property. Therefore, because a water meter is not part of a "plumbing system" for purposes of the Illinois Plumbing License Law, its installation at the termination of a water distribution system is not subject to the provisions of that Act. It is, however, my opinion that the connection between a water meter and the "plumbing system" extending therefrom must be made by a licensed plumber.

Subsection 3(1) of the Illinois Plumbing License Law (Ill. Rev. Stat. 1981, ch. 111, par. 1103(1)) provides in pertinent part:

"(1) All planning, inspecting and designing of plumbing systems and all plumbing and the inspection thereof shall be performed only by plumbers licensed under the provisions of this Act \* \* \* .

\* \* \*

"

(Emphasis added.)

Therefore, all persons planning, inspecting, designing, maintaining or installing plumbing or plumbing systems must be licensed.

The resolution of the principal issues raised by your question turns on the definitions of the terms "plumbing" and

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"plumbing system". The term "plumbing" is defined in subsection 2(5) of the Illinois Plumbing License Law (Ill. Rev. Stat. 1981, ch. 111, par. 1102(5)), which provides in pertinent part:

"(5) 'Plumbing' means the installation, repair, maintenance, alterations or extension of a plumbing system in any building which is connected to a water supply or sewage system and includes:

(a) All piping, fixtures, appurtenances and appliances for a supply of water for all purposes in and about buildings where a person or persons live, work or assemble;

(b) Piping, fixtures, appurtenances and appliances for a sanitary drainage and related ventilation system within a building, and all piping, fixtures, appurtenances, appliances outside a building connecting the building with the source of water supply on the premises or the main in the street, alley or at the curb;

(c) All piping, fixtures, appurtenances, appliances, drain or waste pipes carrying sewage from the foundation walls of a building to the sewer service lateral at the curb or in the street or alley, or other disposal terminal holding sewage;

(d) The planning, design, installation, repair, maintenance, alteration, extension and work upon and connection with such piping, fixtures, appliances, appurtenances, drain, waste and vent pipes;

(e) All piping, from discharge of pumping units to and including pressure tanks in water supply systems.

\* \* \*

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(Emphasis added.)

The term "plumbing system" is defined in subsection 2(8) of the Illinois Plumbing License Law (Ill. Rev. Stat. 1981, ch. 111, par. 1102(8)):

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"(8) 'Plumbing System' means the water service, water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; building drains and building sewers; including their respective connections, devices and appurtenances within the property lines of the premises and water-treating or water-using equipment." (Emphasis added.)

In opinion No. S-1471, issued November 5, 1979 (1979 Ill. Att'y Gen. Op. 144), Attorney General Scott advised that municipal or other potable water distribution systems do not fall within the scope of the definitions of "plumbing" and "plumbing system" contained in section 2 of the Illinois Plumbing License Law. I concur in that opinion and agree that persons installing, maintaining, altering or extending such water distribution systems are not subject to the provisions of the Act. Therefore, in order to answer your question, it is necessary to determine the point of demarcation between a municipal or other potable water distribution system and a plumbing system.

Section 11-130-2 of the Illinois Municipal Code (Ill. Rev. Stat. 1981, ch. 24, par. 11-130-2) specifically includes water meters in its definition of waterworks:

"The term 'waterworks', as used in this Division 130, means and includes a waterworks system in its entirety or any integral part thereof, including mains, hydrants, meters, valves, standpipes, storage tanks, pumping tanks, intakes, wells, impounding reservoirs, or purification plants." (Emphasis added.)

This definition, in regard to the inclusion of water meters, is identical with the definition of waterworks found in section

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1-a of "AN ACT in relation to water supply, drainage, sewage, pollution, and flood control in certain counties" (Ill. Rev. Stat. 1981, ch. 34, par. 3101a).

Statutes which relate to the same subject matter are in pari materia and should be construed together as though they are one statute even if they were enacted at different times. (United States Steel v. Pollution Control Board (1978), 64 Ill. App. 3d 34, 42; Winston v. Mitchell (1977), 53 Ill. App. 3d 206, 212.) By construing the provisions of subsections 2(5) and 2(8) of the Illinois Plumbing License Law and the provisions of section 11-130-2 of the Illinois Municipal Code together, it is my opinion that a water meter is an intrinsic part of a potable water distribution system and is not part of a plumbing system as defined in subsection 2(8) of the Illinois Plumbing License Law. Furthermore, since the purpose of a water meter is to measure the amount of water that flows from a potable water distribution system into a plumbing system, it is my opinion that a municipal or other potable water distribution system extends up to and includes the water meter and that the plumbing system extends beyond that point, regardless of whether any part of the municipal or other potable water distribution system is on private property. Based upon these conclusions, it remains only to determine the applicability of the Illinois Plumbing Licensing Law to the installation of

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water meters on municipal or other potable water distribution systems.

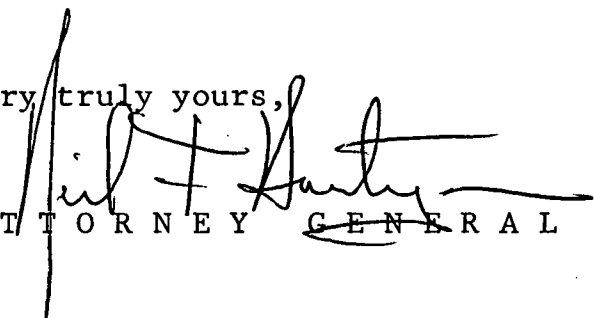
As stated above, a water meter is included as part of the municipal or potable water distribution system, and is not part of a "plumbing system" as defined in subsection 2(8) of the Illinois Plumbing Licensing Law. Therefore, the installation of a water meter on a water distribution system as such is not subject to the provisions of that Act. (See, 1979 Ill. Att'y Gen. Op. 144.)

Everything which extends beyond the water meter, however, constitutes part of the plumbing system. Subsection 2(5) of the Illinois Plumbing Licensing Law provides that "plumbing" includes "work upon and connection with" all piping, fixtures, appurtenances and appliances either within or outside of a building which is connected with a water supply system or source of water supply. Subsection 2(8) of the Illinois Plumbing Licensing Law specifically defines a "plumbing system" to include connections to a water service, supply and distribution pipes. Subsection 3(1) of the Illinois Plumbing Licensing Law provides that all "plumbing" shall be performed only by plumbers licensed under its provisions. Therefore, because the connection of a plumbing system to a municipal or other potable water distribution system is "plumbing" within the provisions of subsection 2(5) of the Illinois Plumbing Licensing Law, such

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work may only be performed by a licensed plumber. The connection of a plumbing system to a potable water distribution system, which requires the connection of the plumbing system to a water meter, is not excepted from the provisions of the Illinois Plumbing Licensing Law under the reasoning of opinion No. S-1471.

Very truly yours,

  
A T T O R N E Y G E N E R A L