

ORDINANCE NUMBER \_\_\_\_\_

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD

WHEREAS, certain properties in the City [Village] of \_\_\_\_\_, Illinois have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City [Village] may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City [Village] of \_\_\_\_\_ desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY [VILLAGE] OF \_\_\_\_\_, ILLINOIS:

Section One. Use of groundwater as a potable water supply prohibited.

[Except for such uses or methods in existence before the effective date of this ordinance,] The use or attempt to use as a potable water supply groundwater from within the corporate limits of the City [Village] of \_\_\_\_\_, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition [expressly includes] [does not include] the City [Village] of \_\_\_\_\_.

Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \_\_\_\_\_ for each violation.

Section Three. Definitions.

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

“Potable water” is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

Section Four. Memorandum of Understanding.

[This Section is only necessary if ordinance does not expressly prohibit installation of potable water supply wells by the city or village--could be separate resolution]

The Mayor of the City [Village] of \_\_\_\_\_ is hereby authorized and directed to enter into a Memorandum of Understanding with the Illinois Environmental Protection Agency (“Illinois EPA”) in which the City [Village] of \_\_\_\_\_ assumes responsibility for tracking all sites that have received no further remediation determinations from the Illinois EPA, notifying the Illinois EPA of changes to this ordinance, and taking certain precautions when siting public potable water supply wells.

Section Five. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

Section Six. Severability.

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

Section Seven. Effective date.

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

ADOPTED: \_\_\_\_\_  
(Date)

APPROVED: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(City Clerk)

\_\_\_\_\_  
(Mayor)

Officially published this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.