

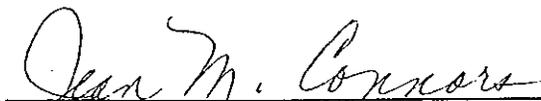
CITY OF ST. CHARLES

ORDINANCE NO. 1988-M-32

AN ORDINANCE AMENDING TITLE 13, "PUBLIC UTILITIES,"
CHAPTER 13.16, "WATER" (WATER WELLS) OF THE
ST CHARLES MUNICIPAL CODE

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF ST. CHARLES
THIS 6th DAY OF JUNE, 1988

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES,
ILLINOIS, THIS 10th DAY OF
JUNE, 1988


CITY CLERK

(S E A L)

ORDINANCE NO. 1988-M-32

AN ORDINANCE AMENDING TITLE 13, "PUBLIC UTILITIES", CHAPTER 13.16, "WATER" (WATER WELLS) OF THE ST. CHARLES MUNICIPAL CODE

DATE OF PUBLICATION 6/10/88
NEWSPAPER Pamphlet form

REFER TO:
MINUTES 6-6-88
PAGE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DU PAGE COUNTIES, ILLINOIS, as follows:

1. That Title 13, "Public Utilities", Chapter 13.16, "Water", of the St. Charles Municipal Code, be and is hereby amended by adding the following thereto:

"13.16.300. Water Well Defined

"Water Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water.

13.16.310. Private Water Wells Limited

No water well shall be constructed, reconstructed or reconditioned within the corporate limits of the City, or within the area serviced by the City outside its corporate limits, except in accordance with the provisions hereinafter set forth:

- A. Those water wells constructed, reconstructed, reconditioned or repaired by the City.
- B. Those private wells in existence, or authorized or permitted by annexation agreement or court order on the effective date of this section, which such water wells are hereby deemed non-conforming and which water wells

may be repaired but shall not be altered, expanded, enlarged or deepened.

13.16.320. Abandonment of Water Wells Required

No water from the City water supply shall be turned on for service into any premises which have been tapped on to the City water mains, unless and until any and all existing water wells located on the premises being served shall have been abandoned and plugged in accordance with the requirements of Chapter 96-1/2, Paragraphs 5422 and 5425 of the Illinois Revised Statutes (1987 Ed.) and such rules as are promulgated thereunder and applicable rules adopted for plugging and abandonment requirements which are more stringent than the rules of the Department of Mines and Minerals where such rules have been adopted by the Illinois Pollution Control Board.

13.16.330. Injunctive Relief and Other Remedies

A. The City may institute a civil action for an injunction to restrain violations of this Chapter.

B. The City may, upon discovering an ongoing violation which reasonably appears to present an imminent danger to the health or welfare of persons, seek and obtain a temporary restraining order or preliminary injunction to halt or prohibit such violation. Prior to the filing of a petition or complaint seeking such relief, the offender shall be given informal notice of the City's intention to file such action. Methods of informal notice may include, but not be limited to, any of the following: personal conversation between offender and City employees, telephone calls, letters, hand-delivered messages or notices posted at the offender's premises or point of discharge. Personal contact between City personnel and the offender shall be attempted, but shall not be conditioned precedent to the City seeking a temporary restraining order or preliminary injunction.

13.16.340. Penalties and Costs

Any person, firm or corporation who is found to have violated an order of the City Council or who has failed to comply with any provision of this Chapter and the orders, rules and regulations and permits issued hereunder, shall be fined in an amount not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00). For the purpose of this Section, each day in which any such violation shall occur or continue, shall be deemed a separate violation. For each separate violation, each such person, firm or corporation shall be fined an amount not to exceed five hundred dollars (\$500.00). In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporter fees and other expenses of litigation."

2. That after the adoption and approval hereof, this Ordinance shall (a) be printed or published in book or pamphlet form, published by the authority of the City Council, or (b) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 6th day of June, 1988.

PASSED by the City Council of the City of St. Charles, Illinois, this 6th day of June, 1988.

APPROVED by the Mayor of the City of St. Charles, Illinois,
this 6th day of June, 1988.


MAYOR

ATTEST:


CITY CLERK

COUNCIL VOTE:

Ayes: 9

Nays: 0

Absent: 1

STATE OF ILLINOIS)
)
COUNTIES OF KANE AND DU PAGE) SS.

C E R T I F I C A T E

I, Jean M. Connors, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on June 6, 1988 the Corporate Authorities of such municipality passed and approved Ordinance No. 1988-M-32, entitled AN ORDINANCE AMENDING TITLE 13,

"PUBLIC UTILITIES," CHAPTER 13.16, "WATER" (WATER WELLS)

OF THE ST. CHARLES MUNICIPAL CODE

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1988-M-32, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June 10, 1988, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 17th day of June, 1988.

Jean M. Connors
Municipal Clerk

(S E A L)