

CITY OF ST. CHARLES

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ORDINANCE NO. 1988-M-76

AN ORDINANCE AMENDING TITLE 13, "PUBLIC UTILITIES,"  
CHAPTER 13.16, "WATER," SECTION 13.16.310,  
"PRIVATE WATER WELLS LIMITED," AND ADDING  
SECTION 13.16.315, "VARIATIONS," OF THE  
ST. CHARLES MUNICIPAL CODE

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ADOPTED BY THE

CITY COUNCIL

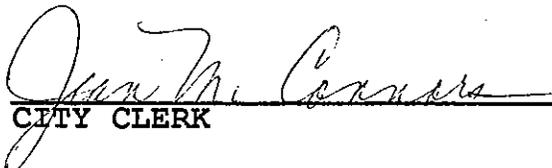
OF THE

CITY OF ST. CHARLES

THIS 3RD DAY OF OCTOBER, 1988

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PUBLISHED IN PAMPHLET FORM BY  
AUTHORITY OF THE CITY COUNCIL  
OF THE CITY OF ST. CHARLES,  
KANE AND DU PAGE COUNTIES,  
ILLINOIS, THIS 7TH DAY OF  
OCTOBER, 1988.

  
CITY CLERK

(S E A L)

ORDINANCE NO. 1988-M-76

AN ORDINANCE AMENDING TITLE 13, "PUBLIC UTILITIES",  
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"PRIVATE WATER WELLS LIMITED",  
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DATE OF PUBLICATION 10/17/88  
NEWSPAPER Pamphlet form

REFER TO:  
MINUTES 10-3-88  
PAGE 2595

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", Section 13.16.310, "Private Water Wells Limited",  
of the St. Charles Municipal Code be and is hereby amended  
by deleting the same and substituting the following  
therefor:

"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 on June  
17, 1988, or authorized or permitted by  
annexation agreement or court order, 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.
- C. Those private wells authorized by virtue  
of a variance granted in accordance with  
the procedures set forth in Section  
13.16.315."

2. That Title 13, "Public Utilities", Chapter 13.16  
"Water", of the St. Charles Municipal Code be and is hereby  
amended by adding Section 13.16.315, "Variations", as  
follows:

"13.16.315 Variations.

- A. Application - Hearing.
  - 1. Application.
    - a. An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or commission of the city.
    - b. An application for a variation is filed with the Public Works Services Manager. An application for a variation shall be on a form provided by the Public Works Services Manager and shall contain all information required on such form including the following:
      - i. Legal description of property for which a variation is requested;
      - ii. The requested variation identified;
      - iii. The reasons which the applicant relies upon as justifying the requested variation;
      - iv. An eight and one-half inch by eleven inch sketch of the property showing all lot lines, existing and proposed structures and adjoining streets or uses and the distances between the structures and the lot lines and the location of the proposed well.
  - 2. Notice of Hearing. No variation shall be made by the City Council, except after a public hearing before the City Council of which there shall be a notice of the time and place of the hearing published at least once, no more than thirty days, nor less than fifteen days before the hearing in one or more newspapers published in the city.
  - 3. Hearing. The City Council shall hold a public hearing at which evidence in support of the variation must be presented by or on behalf of the applicant and any evidence presented by interested parties shall be heard. On the basis of evidence

presented, the City Council shall record their findings of fact, their decision, the vote of the members and the reasons for granting or denying the variation.

- B. Requirements for granting and conditions of a variance.
  - 1. No variance shall be granted unless the applicant for the variance can demonstrate that:
    - a. An exceptional economic hardship would result without the variance.
    - b. The relief granted is the minimum necessary.
    - c. There will be no additional threat to public safety or creation of a nuisance.
    - d. No additional public expense will result.
    - e. The property in question cannot yield a reasonable return if permitted to be used only under the condition allowed by the regulations governing the district in which it is located.
    - f. The plight of the owner is due to unique circumstances.
    - g. The variation, if granted, will not alter the essential character of the locality.
  - 2. The applicant shall connect to the city public water supply within three months after a water supply main becomes available for a service connection to be made. Upon connection, the private well shall be disconnected from the building so as to not constitute a cross connection to the city public water supply system. The Public Works Services Manager or his designee shall inspect and insure that no cross connection exists between private wells and the city public water supply system before the water service from the city public water supply is turned on.
  - 3. The City Council may hear and grant a request to allow a private well to remain in service for purposes of a private use provided said private well is not in any manner cross connected to the city public water supply system and does not interfere with existing city wells. If the private well is abandoned, it shall be capped in

accordance with Section 13.16.320 of this chapter. For purposes of maintaining a private well in service an application shall be filed in writing with the Public Works Services Manager and a public hearing scheduled in accordance with the procedures of Paragraph A above prior to the granting of such variation.

4. Upon the granting of a variance by the City Council, the Public Works Services Manager shall issue a written permit to the owner of the private well. The permit shall remain effective for five (5) years and list all critical information pertaining to said well including any requirements in connection therewith. After five (5) years the permit shall terminate unless renewed after submission of a written request by the owner to the Public Works Services Manager and a public hearing in accordance with the procedures for granting the original variance.
5. No variance shall be granted unless it shall include findings of fact and include a finding that the private well will not interfere with the operation of existing municipal wells and will not cause a cross connection to the city public water supply system."

3. 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 Chapter, 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.

4. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) 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.

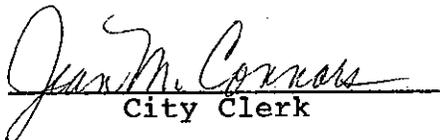
**PRESENTED** to the City Council of the City of St. Charles, Illinois, this 3rd day of October, 1988.

**PASSED** by the City Council of the City of St. Charles, Illinois, this 3rd day of October, 1988.

**APPROVED** by the Mayor of the City of St. Charles, Illinois, this 3rd day of October, 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 October 3, 1988 the Corporate Authorities of such municipality passed and approved Ordinance No. 1988-M-76, entitled AN ORDINANCE AMENDING TITLE 13, "PUBLIC UTILITIES," CHAPTER 13.16, "WATER," SECTION 13.16.310, "PRIVATE WATER WELLS LIMITED," AND ADDING SECTION 13.16.315, "VARIATIONS," 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-76, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on October 7, 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 6<sup>th</sup> day of October, 1988.

Jean M. Connors  
Municipal Clerk

( S E A L )