

CITY OF ST. CHARLES

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ORDINANCE NO. 1989-M-54

AN ORDINANCE ESTABLISHING CITY WATER CONSERVATION;  
RESTRICTING CERTAIN USES OF WATER FROM THE CITY WATER  
SUPPLY SYSTEM NOT ESSENTIAL TO THE PUBLIC WELL-BEING;  
PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS;  
AND FOR DECLARING THE PRESENCE OF AN EMERGENCY

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ADOPTED BY THE

CITY COUNCIL

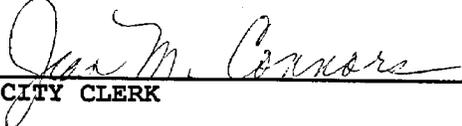
OF THE

CITY OF ST. CHARLES

THIS 15TH DAY OF MAY, 1989

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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 19TH DAY OF  
MAY, 1989

  
\_\_\_\_\_  
CITY CLERK

(S E A L)

DATE OF PUBLICATION 5/15/89  
NEWSPAPER *Amplifier*

ORDINANCE NO. 1989-M-54

REFER TO:  
MINUTES 5/15/89  
PAGE 277

**AN ORDINANCE ESTABLISHING CITY WATER CONSERVATION;  
RESTRICTING CERTAIN USES OF WATER FROM THE CITY WATER  
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**WHEREAS**, in the event of an emergency in the City of St. Charles because of an impending shortage of water due to a prolonged drought; and

**WHEREAS**, in the event of the level at the reservoirs supplying water to the City is at a dangerously low level; and

**WHEREAS**, it is imperative to the public well-being that certain uses of water, not essential to the health, welfare and safety of the City be restricted;

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

**SECTION ONE - ADOPTION:** Title 13, "Utilities", Chapter 13.6, "Water", of the St. Charles Municipal Code, be and is hereby amended by adding Section 13.16.205, "Water Conservation", as follows:

**"Section 13.16.205 Water Conservation.**

A. **DEFINITIONS.** For the purposes of this Section the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) 'City' is the City of St. Charles.

(2) 'Person' is any person, firm partnership, association, corporation, company or organization of any kind.

(3) 'Water' is water from City Water Supply System.

B. **APPLICATION OF REGULATIONS.** The provisions of this Section shall apply to all persons using water provided by the City, and regardless of whether any person using water shall have a contract for water service with the City.

7. **CERTAIN USES RESTRICTED.** The use and withdrawal of water by any person for the following purposes is hereby restricted as set forth in Subsection D below:

1. **Watering Yards.** The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants vines, gardens, vegetables, flowers, or any other vegetation.
2. **Washing Mobile Equipment.** The washing of automobiles, trucks, trailers, trailer-houses, railroad cars, or any other type of mobile equipment not employing a recirculating system.
3. **Cleaning Outdoor Surfaces.** The washing of sidewalks, driveways, filling-station aprons, porches and other outdoor surfaces.
4. **Cleaning Buildings.** The washing of the outside of dwellings, the washing of the inside and outside of office buildings.
5. **Ornamental Fountains.** The operation of any ornamental fountain or other structure making similar use of water.
6. **Swimming Pools.** Swimming and wading pools of fifty gallons or more not employing a filter and recirculating system.

D. **RESTRICTION ON RESIDENTIAL, BUSINESS AND INDUSTRIAL USES.** All residences, businesses and industries using City water shall be restricted in the use of the amount of water for the purposes described at Subsection C above as follows:

1. All properties with even-numbered street addresses may use water for the purposes set forth in Subsection C above only on even-numbered days of the month only and all properties with odd-numbered street addresses may use water for the purposes set forth in Subsection C above only on odd-numbered days of the month.
2. **Restricted hours:** Water from the City water distribution system may be used for the purposes set forth in Subsection C above only between the hours of 6:00 a.m. and 9:00 a.m. and 6:00 p.m. to 9:00 p.m. Central Standard Time or Central Standard Daylight Savings Time, as the case may be.

**3. Laying Sod Restricted:**

A. No person shall lay, cause to be laid, or permit to be laid, any sod in the City, except as permitted in the manner hereinafter set forth.

B. **Permit to Lay Sod:** The Public Services Manager may issue permits for the laying of sod during the prohibited time period if he determines that the watering required for the care of such sod will not place an undue demand upon the city water distribution system based on the criteria hereinafter set forth. Such permit shall only be issued upon the application, (a copy of which is appended hereto) of the owner of record of the property where the sod is to be laid and the contractor who will cause the sod to be laid accompanied by a fee of Ten and No/100 (\$10.00) Dollars. The petition shall set forth the following items:

- i) The address and legal description of the property where the sod is to be laid.
- ii) The name and address of the owner of said property.
- iii) The name and address of the contractor.
- iv) The number of square feet of sod to be laid.
- v) The date or dates on which the sod is to be laid.
- vi) The source of water, other than the City water distribution system, which will be used for initial care and watering of such sod, the method by which such water will be transported to the site, the number of days during which such watering shall be done, and the amount of water, in gallons, to be so used.
- vii) The date or dates the property owner will commence using water from the City water distribution system for lawn sprinkling purposes and the amount of water, in gallons, which will be required at such time for the proper care of such sod in accordance with the restrictions set forth in this section.

4. No lawn sprinkling with any automatic device, including soaked hoses, sprinklers, automatic sprinkler system, or hand held hose. Water with a hand held hose is permitted for flowers, gardens and shrubbery.

5. It shall be unlawful for any person to use water for such restricted purposes on days or at locations other than specified herein until such time as such restrictions are removed by the Public Works Services Manager, or in his absence, upon the order of the Mayor.

E. Implementation of any or all of the restrictions and issuance of permits as described in this section will be at the direction of the Public Works Services Manager, or in his absence, upon the order of the Mayor, to the City Clerk, or Council, that an emergency exists. The finding of an emergency shall be based on standard engineering practice which shall include the following criteria:

1) Current water storage or anticipated water storage would be unable to meet a 4,000 gallon per minutes fire flow for a durations of three hours.

2) The amount of water being withdrawn from the public water supply over a 24 hour period surpasses the pumping capacity of the water supply system.

3) Failure to maintain a minimum of 20 pounds per square inch pressure in the distribution system as required by Illinois Environmental Protection Agency Technical Policy Statements Section 653.117, which is hereby incorporated by reference and copies of which are on file in the office of the City Clerk.

4) Failure of a pumping unit which would limit the supply capacity of the water system.

**SECTION TWO - PENALTIES:** 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

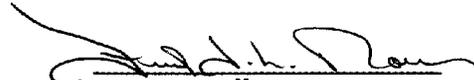
fined an amount not to exceed five hundred dollars (\$500.00). In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation.

**SECTION THREE -** 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 in and with a general circulation within the City of St. Charles.

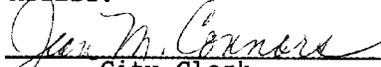
**PRESENTED** to the City Council of the City of St. Charles, Illinois, this 15th day of May, 1989.

**PASSED** by the City Council of the City of St. Charles, Illinois, this 15th day of May, 1989.

**APPROVED** by the Mayor of the City of St. Charles, Illinois, this 15th day of May, 1989.

  
Mayor

ATTEST:

  
City Clerk

**COUNCIL VOTE:**

Ayes: 10

Nays: 0

Absent: 0

ELEC/ENG DISK 10  
WATER CONSER  
4/28/89

**ST. CHARLES SOD LAYING PERMIT APPLICATION**

The following application requests a variance from Ordinance 13.16.205 to allow the laying sod or seed. In order to receive approval of the variance ALL questions must be answered very specifically. Failure to complete any of the blanks will result in a delay in the issuance of this permit. A \$10.00 fee is required for each application.  
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1. Location of the property being sodded:  
Street address: \_\_\_\_\_  
Legal description (Lot & Block) \_\_\_\_\_
2. Name and address of the owner of the property listed above:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_
3. Information concerning the contractor laying the sod:  
Name: \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_
4. Number of square feet of lawn to be sodded: \_\_\_\_\_
5. Date(s) on which sod is to be laid (Be as specific as possible): \_\_\_\_\_
6. Identify the source of water, and the method by which the water will be transported to the site. If this source is pond or stream, identify specifically where the water will come from, and attach a letter of permission from the owner of the pond. Water cannot be taken from the City's water distribution system.  
Source of water: \_\_\_\_\_  
Approx. amount of water (in gallons) to be used per week: \_\_\_\_\_

The following signatures must be obtained before this application will be processed.  
\_\_\_\_\_

_____	_____	_____	_____
Property Owner	Date	Sod Contractor	Date
*****			

**FOR OFFICE USE ONLY**

Public Works Services Manager Approval \_\_\_\_\_  
Date \_\_\_\_\_

W & WW \_\_\_\_\_ Date \_\_\_\_\_

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 May 15, 1989 the Corporate Authorities of such municipality passed and approved Ordinance No. 1989-M-54, entitled AN ORDINANCE ESTABLISHING CITY WATER

CONSERVATION; RESTRICTING CERTAIN USES OF WATER FROM THE CITY

WATER SUPPLY SYSTEM NOT ESSENTIAL TO THE PUBLIC WELL-BEING;

PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND

FOR DECLARING THE PRESENCE OF AN EMERGENCY

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

The pamphlet form of Ordinance No. 1989-M-54, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 19, 1989, 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.

May DATED at St. Charles, Illinois, this 17<sup>th</sup> day of May, 1989.

Jean M. Connors  
Municipal Clerk

(S E A L)