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City of St. Charles, Illinois

Ordinance No. 2015-M-26

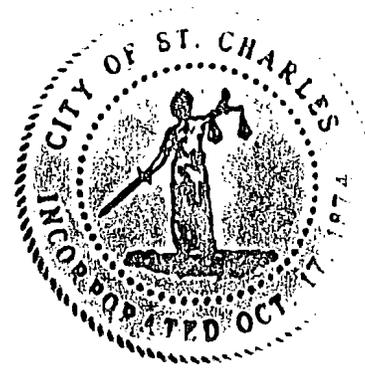
**Motion to approve an Ordinance Authorizing
Amendment of Title 13 "Public Utilities", Chapter 13.16,
"Water", Section 13.16.205 "Water Conservation" of the
St. Charles Municipal Code.**

**Adopted by the
City Council
of the
City of St. Charles
April 6, 2015**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, April 10, 2015**

Nancy Garrison

City Clerk



(SEAL)

City of St. Charles, Illinois
Ordinance No. 2015-M-26

An Ordinance Amending Title 13 “Public Utilities”, Chapter 13.16, “Water”, Section 13.16.205 “Water Conservation” of the St. Charles Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Title 13, “Public Utilities”, Chapter 13.16, “Water”, Section 13.16.205 “Water Conservation” of the St. Charles Municipal Code, is hereby amended by deleting the entire section and substituting the following therefore:

13.16.205 Water conservation.

B. Application of Regulations.

- 1. The provisions of this section shall apply to 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.
- 2. The provisions of section (C) shall apply year-round, subject to any modifications thereof, including application of these or other regulations during this or any other time, by an emergency proclamation.

C. Conservation of Residential, Business and Industrial Outdoor Water Uses. All persons using city water shall adhere to the following schedules for lawn watering with sprinklers.

2. Sprinkling hours: water may be used for sprinkling only between the hours of 6:00 a.m. and 9:00 a.m. and between the hours of 6:00 p.m. and 9:00 p.m., Central Standard Time or Central Daylight Savings Time, as the case may be.

4. Sod Laying and Seeded Lawn Installation Permit Requirement

a. Notwithstanding the above provisions, sod laying, lawn seeding, and the planting of other landscaping for the establishment of a new lawn or new landscaping is prohibited from July 1 through August 31 each year, unless the source of watering for said sod, lawn seeding or planting of landscaping is derived from reclaimed greywater, recycled effluent, or harvested rainwater. The prohibition shall not apply to soil erosion

and sedimentation plans required pursuant to city ordinances (with approved plans) or for restorations due to required repairs of public utilities (e.g., water main breaks).

b. Except for the period of July 1 through August 31 of each year or during an emergency proclamation event, water from the city water distribution system or private wells may be used for the establishment of sod or seeded turf lawns planted or installed in the current year. A permit issued by the Director of Public Works (or his designated representative) is required for the installation of all seeded and sodded lawns. The application (a copy of which is appended hereto) for a sod laying and seeded lawn installation permit shall include the following information:

- i) The address 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 on which the sod is to be laid.
- vi) The date the property owner will commence using water from the city water distribution system to water the sod, in accordance with the regulations set forth in this section.

c. The issuance of a sod laying and seeded lawn installation permit shall allow the permittee to water the newly installed sod or seed utilizing sprinkling device(s) for a period of time not to exceed eight hours on the first day. For the next consecutive nine days watering shall be permitted between the hours of 6:00 a.m. to 9:00 a.m. and between the hours of 6:00 p.m. to 9:00 p.m. Following the said 10-day period, the permittee must comply with the conservation schedule set forth in paragraphs C(1) and C(2) above.

D. Waste of Water Prohibited: No person shall allow a continuous stream of water to run off into any gutter, ditch, drain, or street inlet while using water for restricted purposes, nor shall a person spray or sprinkle streets or sidewalks.

E. Emergency Proclamation: Whenever the water supply is diminished from any cause, including, but not limited to, prolonged dry period or drought, increased water demand, equipment failure, or water quality concerns, to an amount which in the opinion of the city engineer or director of public works is or is likely to become dangerous to the health and safety of the public, the [mayor or manager] is hereby authorized and empowered to issue an emergency proclamation specifying different or additional regulations on the use of water.

1. In the case of regional dry periods or drought, the mayor shall take into account the recommendations of the regional water supply planning group, the Northwest Water Planning Alliance (NWPA), on making the decision to issue an emergency proclamation.

2. Such regulations may provide for limitations on the usage of water, limitations on days and hours of use of water for some or all purposes, and prohibition of specified uses of water. The following shall constitute the default emergency regulations:
 - a. In the case of moderate to severe drought conditions or similar regional water supply constraints as advised by the NWPA, the use of sprinkler systems shall be prohibited. Outdoor use of water shall still be allowed for those exempted uses in subsection (D)(2) and do not have to follow hour or day restrictions.
 - b. In the case of extreme to exceptional drought conditions or similar regional water supply constraints as advised by the NWPA, the use of water outdoors for any purpose shall be prohibited.
3. Upon issuing such proclamation, the [mayor or manager] shall make the contents thereof known to the public by posting a copy at the [city or village] hall, and by news release to local newspapers and radio media, and may also endeavor to notify the [city or village] residents and other persons in any other practical manner that he or she shall devise. Further, the [mayor or manager] shall immediately deliver notice of such proclamation, and the regulations that have been imposed by such proclamation, to all members of the [city council or village board].
4. The emergency proclamation of the [mayor or manager], and the regulations imposed thereby, shall remain in full force and effect until any one of the following shall first occur:
 - a. The [mayor or manager] determines that the emergency no longer exists and that the emergency proclamation, and the regulations imposed thereby, shall no longer continue in effect.
 - b. The [city council or village board] modifies or repeals the emergency proclamation, and the regulations imposed thereby, by means of an ordinance enacted at any regular or special meeting of the [city council or village board].
5. Any [city or village] employee or officer may, at the direction of the [mayor or manager], notify and warn any person of the effect of said emergency proclamation and direct said person to comply with said watering or sprinkling restrictions. If any said person, after having first been warned about said restrictions of the emergency proclamation, shall continue to violate said restrictions of the proclamation, they shall be deemed to be in violation of this section.

F. Authority: The authority to prohibit and further regulate the sprinkling of lawns, shrubbery and gardens shall be expressly reserved and may be amended from time to time, as necessary, by the [mayor or manager] and [city council or village board].

G. Penalties: Any person who violates, disobeys, neglects, fails to comply with or resists enforcement of the provisions of this ordinance shall, within ten (10) days of receiving notice of such violation, pay the [city or village] a fine, as follows:

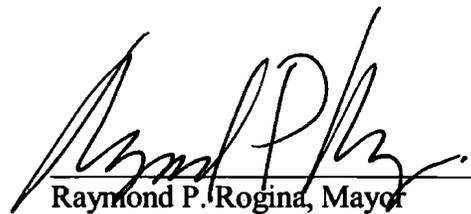
- a. Fifty dollars (\$50.00) for a first offense;
- b. One hundred dollars (\$100.00) for a second offense; and
- c. Two hundred dollars (\$200.00) for each subsequent offense.

- 1. Each day a violation occurs or continues shall be considered a separate violation for purposes of this section.
- 2. In addition to penalties provided herein, the city may recover reasonable attorney fees, court costs, court reporter fees and other expenses of litigation.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 6th day of April, 2015.

PASSED by the City Council of the City of St. Charles, Illinois, this 6th day of April, 2015.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 6th day of April, 2015.


Raymond P. Rogina, Mayor

ATTEST:


City Clerk

COUNCIL VOTE:

Ayes: 10
Nays: 0
Absent: 0
Abstain: 0



APPROVED AS TO FORM:

City Attorney

DATE: _____

State of Illinois)
)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on April 6, 2015, the Corporate Authorities of such municipality passed and approved Ordinance No. 2015-M-26, entitled

"Motion to approve an Ordinance Authorizing
Amendment of Title 13 "Public Utilities", Chapter
13.16, "Water", Section 13.16.205 "Water
Conservation" 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. 2015-M-26, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on April 10, 2015, 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 day of April, 2015.



Nancy Garrison
Municipal Clerk