

AN ORDINANCE AMENDING TITLE 8, CHAPTER 6 OF THE VILLAGE OF WEST DUNDEE VILLAGE CODE AND 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 Village of West Dundee, 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 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 Village of West Dundee 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 VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WEST DUNDEE, ILLINOIS AS FOLLOWS:

Section One. Use of groundwater within a circular area with a 400'-radius, centered at the southeast of the Kane County Cleaners (PIN: 03-22-479-020-0000) located at 102 West Main Street in West Dundee, Illinois as a potable water supply is hereby prohibited. The ordinance covers the entire circled area except for the northeast portion where the ordinance ends along the west bank of Fox River (see exhibit1).

Section Two. That Title 8, Chapter 6, Section 5-2, Letter D of the Village Code of the Village of West Dundee is hereby amended to read as follows:

D. Private Water Supply; Prohibition of Private Wells.

Before commencement of construction of a private water supply outside of;

1. the 1,550 foot groundwater ordinance around the Family Pride Cleaners located at 537 South Eight Street,
2. within a circular area with a 400'-radius, centered at the southeast of the Kane County Cleaners (PIN: 03-22-479-020-0000) located at 102 West Main Street;

the owner shall first obtain a written permit signed by the Director of Public Works. The application for such a permit shall be made on a form furnished by the Village, which the applicant shall supplement by plans, specifications and other information deemed necessary by the Director of Public Works. A permit and inspection fee shall be paid to the Village Treasurer at the time the application is filed.

1. 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 1,550 feet of Family Pride Cleaners located at 537 South Eight Street of the Village of West Dundee, as a potable water

supply, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition includes properties between the following latitudes and longitudes: North 42 degrees 5 minutes 49.5 seconds "Oregon Street" (north), North 42 degrees 5 minutes 18.3 seconds "250-feet south of Storm Drive and Eichler Drive intersection" (south), West 88 degrees 16 minutes 47.6 seconds "South Third Street" (east) and West 88 degrees 17 minutes 38.2 seconds "Elm Court" (west) in the Village of West Dundee.

2. The use or attempt to use as a potable water supply groundwater from within a circular area with a 400'-radius, centered at the southeast of the Kane County Cleaners (PIN: 03-22-479-020-0000) located at 102 West Main Street in West Dundee, and as described in Exhibit 1 (Groundwater Ordinance Boundary Description) which are made part of this ordinance, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the Village of West Dundee.

Section Three. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$500 for each violation.

Section Four. 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 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 Four. 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 Six. Effective Date,

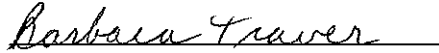
This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

AYES: Trustees Voss, Gillam, Price, Osth, Hanley and Yuscka

NAYS: None

ADOPTED: November 7, 2011

APPROVED: November 7, 2011



Barbara Traver

Village Clerk



Larry Keller

Village President

Officially published this 7th day of November, 2011.

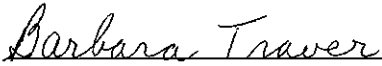
**CERTIFICATION OF PUBLICATION
IN PAMPHLET FORM**

STATE OF ILLINOIS)
 SS.
COUNTY OF KANE)

I, Barbara Traver, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of West Dundee, County of Kane and State of Illinois, and as such clerk I am the keeper of the seal, records, files and proceedings of the corporate authorities of said municipality.

I further certify that, as of the date hereof, Ordinance No. 11-13 adopted by the corporate authorities on November 7, 2011, regarding an Ordinance Amending Title 8, Chapter 6 of the Village of West Dundee Code and 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. The pamphlet form of Ordinance No.11-13 was published, commencing on November 7, 2011 and continuing for at least ten days thereafter.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal of the municipality this 7th day of November, 2011.


Barbara Traver
Village Clerk

(SEAL)