

ORDINANCE 10-01

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 1,550 feet of the Family Pride Cleaners located at 537 South Eighth Street in West Dundee, Illinois as a potable water supply is hereby prohibited.

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 the 1,550 foot groundwater ordinance around the Family Pride Cleaners located at 537 South Eighth 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.

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 Eighth 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-foot 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.

Section Three. That Chapter 6, Section 8-6-2 is hereby amended by adding the following definition.

“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 Four. Memorandum of Understanding.

The Village of West Dundee is hereby authorized and directed to enter into a Memorandum of Understanding with the Illinois Environmental Protection Agency (“Illinois EPA”) in which the Village of West Dundee may assume responsibility for tracking all sites that have received no further remediation determinations from the Illinois EPA, agrees to notify the Illinois EPA of changes to this ordinance, and to take certain precautions when citing public potable water supply wells.

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 Six. Severability.

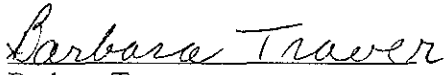
If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.


Section Seven. Effective Date.

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

ADOPTED: January 18, 2010

APPROVED: January 18, 2010

  
Barbara Traver  
Village Clerk

  
Larry Keller  
Village President

Officially published this 18<sup>th</sup> day of January, 2010.