

ORDINANCE NO. 2010-07

AN ORDINANCE AMENDING CHAPTER 86, "UTILITIES" OF THE ORDINANCES OF THE VILLAGE OF STICKNEY, ILLINOIS BY THE REVISION OF SECTION 86-5.

AN ORDINANCE 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

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, A HOME RULE UNIT OF GOVERNMENT AS FOLLOWS:

**WHEREAS, the** Village of Stickney (the "Village") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

**WHEREAS,** certain properties in the Village of Stickney, 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 Stickney 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 CITY COUNCIL OF THE VILLAGE OF STICKNEY, ILLINOIS:

**Section 1. Recitals.** The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Adoption.** Chapter 86, of the Municipal Code of the village of Stickney shall be amended by the revision of Section 86-5, which will read as follows:

**Section 86-5. Prohibition of wells.**

~~It shall be unlawful to construct or permit the construction of any well, or to use or maintain any well for the disbursement of any water from such well or for the use of any well for drainage purposes.~~

(1). Use of groundwater as a potable water supply is prohibited except for such uses or methods in existence before the effective date of this ordinance or to its predecessor to Section 86-5. The use or attempt to use as a potable water supply groundwater from within the corporate limits of the Village of Stickney, as 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 Stickney.

(2). Any person violating the provisions of this ordinance shall be subject to a fine of up to \$500.00 per day for each violation.

(3). "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.

(4). "Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, and swimming, washing dishes, or preparing foods.

**Section 3. 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 4. Home Rule.** This ordinance is enacted under the Home Rule powers of the Village as set forth in the Constitution and laws of the State of Illinois.

**Section 5. Effective date.** This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 7. Certification and Publication.** The Village Clerk of the Village of Stickney shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

PASSED AND APPROVED at a regular meeting of the President and the Board of Trustees of the Village of Stickney, Illinois this 6<sup>th</sup> day of April, 2010.

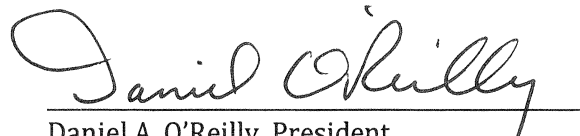
AYES: Lazansky, Mares, Morelli, Schimel, Walik, Zeedyk

NAYS: None

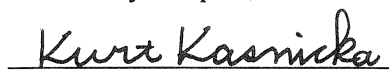
ABSENT: None

ABSTAIN: None

APPROVED by me this 7<sup>th</sup> day of April, 2010.

  
Daniel A. O'Reilly, President  
Village of Stickney, Cook County, Illinois

ATTESTED, Filed in my office,  
and published in pamphlet form  
this 7<sup>th</sup> day of April, 2010.

  
Kurt Kasnicka, Deputy Clerk  
Village of Stickney, Cook County, Illinois