

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE PROHIBITING THE  
USE OF GROUNDWATER AS A  
POTABLE WATER SUPPLY BY THE  
INSTALLATION OR USE OF  
POTABLE WATERSUPPLY WELLS  
OR BY ANY OTHER METHOD**

**WHEREAS**, certain properties in the City of O’Fallon, 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 City of O’Fallon 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 City of O’Fallon 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 CITY OF O’FALLON, ILLINOIS:**

Section One. 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, the use or attempt to use a potable water supply groundwater from all depths within the area, as shown on Figure 1 attached hereto, (hereinafter referred to as the “Groundwater Limitation Area”), by the installation or drilling of wells or by any other method is hereby prohibited. This limitation applies to the City of O’Fallon or any other person’s construction or attempt to construct a well.

Section Two. Penalties.

Any person violating the provision of this ordinance shall be subject to a fine of up to \$500.00 for each violation.

Section Three. Definitions.

“Persons” 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 Four. 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All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.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 Five. 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 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.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

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