## Chapter 12   ENVIRONMENT AND NATURAL RESOURCES [[1]](#BK_18FF278385EF91BB44AF8019C7606094)

ARTICLE I. - IN GENERAL

ARTICLE II. - OPEN BURNINGS

ARTICLE III. - WATER SUPPLY PROTECTION

FOOTNOTE(S):

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**State Law reference—** Environmental safety, 415 ILCS 5/1 et seq. [(Back)](#BK_0981ED1F15A5F58B347DB85BEC4E46E5)

### ARTICLE I.   IN GENERAL

[Sec. 12-1. Use of groundwater as a potable water supply prohibited.](#BK_92C046DEC349C9F9E11D60ED97B5A960)

[Secs. 12-2—12-20. Reserved.](#BK_90EFE2A706361D20E38F4D674C57E926)

Sec. 12-1.   Use of groundwater as a potable water supply prohibited.

(a)  Except for such uses or methods in existence before the effective date of the ordinance from which this chapter is derived, the use, or attempt to use as a potable water supply, groundwater from within the corporate limits of the Village of Arthur by the installation or drilling of wells or by any other method is hereby prohibited, including at points of withdrawal by the Village of Arthur.

(b)  In this section, the term "potable water" means any water used for human or domestic consumption, including, but not limited to, water for drinking, bathing, swimming, washing dishes or preparing foods.

(Ord. No. 01-20a-03, §§ 1, 3, 1-20-2003)

Secs. 12-2—12-20.   Reserved.

### ARTICLE II.   OPEN BURNINGS [[2]](#BK_CE0B2AE9E9D256EE4252671AF7694E8C)

[Sec. 12-21. Definitions.](#BK_74411A5906D82F55AC5C8DFC94FA27B1)

[Sec. 12-22. Village exemption.](#BK_41F0EE84CF1524229EC17A457708F0FA)

[Sec. 12-23. Other exemptions.](#BK_A721F8DD03F76A0AB8CC2ECB04A54001)

[Sec. 12-24. Prohibitions.](#BK_D711DCEA3F8F936075D25C17036D8453)

[Sec. 12-25. Prohibition of landscape waste burning.](#BK_FE56FD5D0EC4D80F85898397E3CB8BB2)

[Secs. 12-26—12-53. Reserved.](#BK_C10F4D10DE29E50E180A7E3117072B25)

Sec. 12-21.   Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bonfire* is an unenclosed celebratory or food preparation fire, on private property only, which contains no garbage or items which would violate federal and state EPA regulations, and is substantially a wood product fire used to prepare for food preparation or as part of a celebration.

*Garbage* is waste resulting from the handling, processing, preparation, cooking and consumption of food or food products.

*Household waste* is any solid waste (except garbage, but including sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, camp grounds, picnic areas and day-use recreation areas).

*Landscape waste* is all accumulation of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

*Municipal waste* is commercial waste, industrial, lunchroom or office waste and construction or demolition debris.

*Open burning* is the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under the Illinois Environmental Protection Act.

*Person* is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency or any other legal entity or their legal representative, agent, or assigns.

(Code 2003, § 6-6-2)

Sec. 12-22.   Village exemption.

The Village of Arthur and their employees while performing village activities shall be exempt from the provisions of this article.

(Code 2003, § 6-6-1)

Sec. 12-23.   Other exemptions.

This article shall not apply to wood, charcoal, gas-operated grills and small wood bonfires.

(Code 2003, § 6-6-5)

Sec. 12-24.   Prohibitions.

No person shall cause or allow the open burning of garbage, household waste or municipal waste within the village, pursuant to Illinois EPA Regulations. No person shall cause or allow the open burning of landscape waste within the village except as hereinafter provided.

(Code 2003, § 6-6-3)

Sec. 12-25.   Prohibition of landscape waste burning.

The burning of landscape waste is prohibited within the Village of Arthur or any territories under its authority pursuant to law.

(Code 2003, § 6-6-4)

Secs. 12-26—12-53.   Reserved.

FOOTNOTE(S):

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**State Law reference—** Open burning, 415 ILCS 5/9(c). [(Back)](#BK_39A972F1200B71E06C565FE92CF56773)

### ARTICLE III.   WATER SUPPLY PROTECTION

[Sec. 12-54. Definitions.](#BK_F913C82C7B3DA754878D1B66DF52CB15)

[Sec. 12-55. Purpose.](#BK_E515B3681E63DDE8EE78EB8ED5596FA0)

[Sec. 12-56. Exclusions.](#BK_B81F8924AB7C4351D33E03644C40EB4E)

[Sec. 12-57. Waivers, exceptions and certifications of minimal hazard.](#BK_DDADFF6C7EB04828EF3B08BA26A07EF6)

[Sec. 12-58. Prohibitions.](#BK_DA26A4BDF2EDF280930670AF35E60E4F)

Sec. 12-54.   Definitions.

Except as stated in this article, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this article shall be the same as those used in the Environmental Protection Act (415 ILCS 5/1 et seq.) and the Illinois Groundwater Protection Act (415 ILCS 55/1 et seq.):

*Act* means the Environmental Protection Act (415 ILCS 5/1 et seq.).

*Agency* means the Illinois Environmental Protection Agency.

*Board* means the Illinois Pollution Control Board.

*Maximum setback zone* means the area around a community water supply well established under Section 14.3 of the Act and this article, and described in appendix A to Ordinance No. 06-15C-09.

*Minimum setback zone* means the area around a community water supply well established under 415 ILCS 5/14.2 and this article, and described in appendix A to Ordinance No. 06-15C-09.

(Ord. No. 06-15C-09, § 2, 6-15-2009)

Sec. 12-55.   Purpose.

Pursuant to the authority conferred by 65 ILCS 5/11-125-4, 65 ILCS 5/11-126-3, 65 ILCS 5/7-4-2, 415 ILCS 5/14.2 and 415 ILCS 5/14.3, and in the interest of securing the public health, safety and welfare; to preserve the quality and quantity of groundwater resources in order to ensure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this article shall apply to all properties located within the minimum setback zone established under 415 ILCS 5/14.2 and this article, and the maximum setback zone established under 415 ILCS 5/14.3 and this article.

(Ord. No. 06-15C-09, § 1, 6-15-2009)

Sec. 12-56.   Exclusions.

Section 12-58(a) shall not apply to new common sources of sanitary pollution as specified pursuant to 415 ILCS 5/17 and the regulations adopted thereunder by the agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulation.

(Ord. No. 06-15C-09, § 5, 6-15-2009)

Sec. 12-57.   Waivers, exceptions and certifications of minimal hazard.

(a)  If, pursuant to 415 ILCS 5/14.2(b), the owner of a new potential primary source, new potential secondary source or new potential route is granted a waiver by the agency, such owner shall be deemed to have a waiver to the same extent from section 12-58(a).

(b)  If, pursuant to 415 ILCS 5/14.2(c), the owner of a new potential primary source (other than landfilling or land treating), new potential secondary source or new potential route is granted an exception by the board, such owner shall be deemed to have an exception to the same extent from section 12-58(a).

(c)  If, pursuant to 415 ILCS 5/14.2(c), the owner of a new potential primary source (other than landfilling or land treating), is granted an exception by the board, such owner shall be deemed to have an exception to the same extent from section 12-58(b).

(d)  If, pursuant to 415 ILCS 5/14.5, the owner of a new potential primary source, new potential secondary source or new potential route is issued a certificate of minimal hazard by the agency, such owner shall not be subject to section 12-58(a) to the same extent that such owner is not subject to 415 ILCS 5/14.2(d).

(Ord. No. 06-15C-09, § 4, 6-15-2009)

Sec. 12-58.   Prohibitions.

(a)  Except as provided in section 12-56 or 12-57, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.

(b)  Except as provided otherwise in section 12-57, no person shall place a new potential primary source within the maximum setback zone.

(Ord. No. 06-15C-09, § 3, 6-15-2009)