

06-15C-09

MINIMUM AND MAXIMUM SETBACK ZONE ORDINANCE PROVISIONS

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Section 1. PURPOSE

Pursuant to the authority conferred by 65 ILCS 5/11-125-4 (2002); 65 ILCS 5/11-126-3 (2002); 65 ILCS 5/7-4-2 (2002); 415 ILCS 5/14.2 and 5/14.3 (1996); and in the interest of securing the public health, safety and welfare; to preserve the quality and quantity of groundwater resources in order to assure 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 ordinance shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act ("Act") (415 ILCS 5/14.2(1996)) and this ordinance, and the maximum setback zone established under Section 14.3 of the Act (415 ILCS 5/14.3 (1996)) and this ordinance.

Section 2. DEFINITIONS

Except as stated in this ordinance, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this ordinance shall be the same as those used in the Act and the Illinois Groundwater Protection Act (415 ILCS 555/1 (1996)):

"Act" means the Environmental Protection Act (415 ILCS 5/1 (1996)).

"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 ordinance, and described in Appendix A.

"Minimum setback zone" means the area around a community water supply well established under Section 14.2 of the Act and this ordinance, and described in Appendix A.

Section 3. PROHIBITIONS

a) Except as provided in Sections 4 or 5, 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 4, no person shall place a new potential primary source within the maximum setback zone.

Section 4. WAIVERS, EXCEPTIONS AND CERTIFICATIONS OF MINIMAL HAZARD

a) If, pursuant to Section 14.2(b) of the Act, 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 3(a) of this ordinance.

b) If, pursuant to Section 14.2(c) of the Act, 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 3(a) of this ordinance.

c) If, pursuant to Section 14.2(c) of the Act, 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 3(b) of this ordinance.

d) If, pursuant to Section 14.5 of the Act, 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 3(a) of this ordinance to the same extent that such owner is not subject to Section 14.2(d) of the Act.

Section 5. EXCLUSIONS

Section 3(a) of this ordinance shall not apply to new common

sources of sanitary pollution as specified pursuant to Section 17 of the Act 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.

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

PASSED and PUBLISHED in Pamphlet form by the President and Village Board of the Village of Arthur, Illinois, on the 15th day of June, 2009.

Jennifer Perrine
Village Clerk of the Village
of Arthur, Illinois

APPROVED by the President of the Village of Arthur, Illinois
June 15, 2009.

Ronald L. Kunguy
President of the Village
of Arthur, Illinois

ATTEST: Jennifer Perrine
Village Clerk of the Village
of Arthur, Illinois

CERTIFICATE

I, JENNIFER PERRINE, Village Clerk of the Village of Arthur, Counties of Moultrie and Douglas, in the State of Illinois, DO HEREBY CERTIFY that the attached Ordinance No. 06-15C-09 is a true and correct copy of the original Ordinance passed by the President and Board of Trustees of the Village of Arthur, Illinois on June 15, 2009.

I further certify that the original Ordinance is part of the official record of the said Village of Arthur, Illinois.

Given under my hand and seal June 15, 2009.

Jennifer Perrine
Village Clerk of the Village of
Arthur, Counties of Moultrie
and Douglas, State of Illinois

