

CITY OF NOKOMIS

FILED
FEB 04 2016
D
Linda L. ... COUNTY CLERK

ORDINANCE NO. 2019

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 WITHIN A LIMITED AREA OF THE CITY OF NOKOMIS, ILLINOIS

**ADOPTED BY THE CITY COUNCIL
OF THE
CITY OF NOKOMIS**

THIS 11TH DAY OF JANUARY 2016

Published in pamphlet form by authority of the City Council of the City of Nokomis, Montgomery County, Illinois, this 14th day of January, 2016.

Ordinance No. 2019

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 WITHIN A LIMITED AREA OF THE CITY OF NOKOMIS, ILLINOIS

WHEREAS, certain properties in the City of Nokomis, 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 a limited area within the City of Nokomis may exceed Class I groundwater quality standards for the 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 Nokomis desires to limit potential threats for 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 NOKOMIS, ILLINOIS;

Section One. The use of groundwater as a potable water supply is prohibited within a limited area within the City of Nokomis.

The area within, which the use of groundwater as a potable water supply is prohibited, is comprised of the following parcels/addresses/brief legal descriptions: 08-22-504-003 (Union Pacific Railroad), 08-22-282-003 (100 South Hickory Street, Nokomis, IL) (E 120' N 125' LOT 1 BLK 59 P C HUGGINS & TRUSTEES 10-2-1293 & 1294 S T00 R), 08-22-427-002, 08-22-427-012 (111 Morgan Street, Nokomis, IL) (W 120' LOT 1 BLK 59 P C HUGGINS & TRUSTEES 10-2-1287 S T00 R). The attached aerial map, 0001A, illustrates the location of the area affected by the ordinance.

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 the limited area within the City of Nokomis, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited within the area described in Section One of this ordinance and in the aerial map 0001A. This prohibition expressly includes the City of Nokomis as being subject to this ordinance.

Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine from Seventy-Five Dollars (\$75.00) to a maximum of Seven Hundred Fifty Dollars (\$750.00) for each violation.

Section Three: Definitions.

"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.

"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 of 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 and signed by the Mayor of the City of Nokomis, Illinois this 11th day of January, 2016.



Terry Hill, Mayor

	<u>Voted</u>
Commissioner Voyles	<u>Yes</u>
Commissioner Brookshire	<u>Yes</u>
Commissioner Lehn	<u>Yes</u>
Commissioner Voils	<u>Yes</u>
Mayor Hill	<u>Yes</u>

(CORPORATE SEAL)

ATTEST:



Angela Keagy, City Clerk

STATE OF ILLINOIS)
) **ss.**
COUNTY OF MONTGOMERY)
CERTIFICATE OF PUBLICATION)

I, Angela Keagy, certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois.

I further certify that on January 11, 2016, the City Council of such municipality passed and approved Ordinance No. 2019, entitled 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 WITHIN A LIMITED AREA OF THE CITY OF NOKOMIS, IL, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2019, including the Ordinance and a cover sheet thereof, was prepared and posted in the Municipal Complex commencing on January 14, 2016 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request to the City Clerk.

DATED at Nokomis, Illinois, this 11th day of January, 2016.

(SEAL)



ANGELA KEAGY, CITY CLERK

