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ORDINANCE NO. 538

**AN ORDINANCE ESTABLISHING
MINIMUM AND MAXIMUM SETBACK ZONES**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY, THIS
6th DAY OF June, 1994

PRESENTED: June 6, 1994

PASSED: June 6, 1994

APPROVED: June 6, 1994

RECORDED: June 6, 1994

PUBLISHED: June 6, 1994

In Pamphlet Form

Voting "Aye" 5

Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

SEAL

Juanita Sogley
City Clerk of the City of LeRoy
McLean County, Il.

Dated: June 6, 1994

ORDINANCE NO. 538

AN ORDINANCE ESTABLISHING
MINIMUM AND MAXIMUM SETBACK ZONES

BE IT ORDAINED by the City Council of the City of Le Roy, Illinois:

Section 1. That the Code of Ordinances of the City of Le Roy, Illinois is hereby amended by adding an ordinance to read as follows:

MINIMUM AND MAXIMUM WATER WELL SETBACK ZONES

Sec. 1. Purpose

Pursuant to the authority conferred by Ill. Rev. Stat. 1989, Ch 24, par 11-125-4 and Ill. Rev. Stat. 1989, Ch. 111 1/2, par. 1014.2 and 1014.3; and in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to 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") (Ill. Rev. Stat. 1989, Ch. 111 1/2, par. 1014.2) and this ordinance, and the maximum setback zone established under Section 14.3 of the Act (Ill. Rev. Stat., 1989, Ch. 111 1/2, par. 1014.3) and this ordinance.

Sec. 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 (Ill. Rev. Stat. 1989, Ch. 111 1/2, pars. 7541 et seq.):

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1989, Ch. 111 1/2, par. 1001 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 ordinance, and described in Appendix A attached hereto and made a part hereof.

"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 attached hereto and made a part hereof.

Sec. 3. Prohibitions.

a) Except as provided in Section 4 or 5 of this ordinance, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone of 200 feet of Wells #4, 6, 7, and 8 - IEPA Wells #4022, 40024, 40025 and 40026 all shown on Exhibit A attached hereto and made a part hereof and located in the Northeast Quarter of Section 20, Township 22 North, Range 4 East, McLean County, Illinois.

b) Except as provided in Section 4 of this ordinance, no person shall place a new potential primary source within the maximum setback zone of 1,000 feet of Wells # 4, 6, 7 and 8 - IEPA Wells #40022, 40024, 40025 and 40026 all as shown on Exhibit A attached hereto and made a part hereof and located in the Northeast Quarter of Section 20, township 22 North, Range 4 East, McLean County, Illinois.

Sec. 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.

Sec. 5. Exclusion.

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 regulations.

Section 2. It is the intention of the City Council and it is hereby ordained that the provision of this ordinance shall become and be made a part of the Code of Ordinances of the City of Le Roy, Illinois and that the sections of this ordinance shall be renumbered to accomplish such intention.

Section 3. That this ordinance shall be published in pamphlet form and shall take effect ten (10) days after publication as provided by law.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion by Randy Zimmerman seconded by David McClelland, by roll call vote on the 6th day of June, 1994, as follows:

Aldermen elected 6

Aldermen present 5

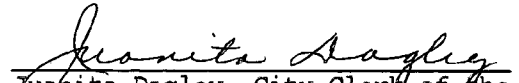
VOTING AYE: David McClelland, Patrick Beaty, Ronnie Litherland, Lois Parkin

Randy Zimmerman

VOTING NAY: None


ABSENT, ABSTAIN, OTHER: Robert D. Johnson absent

and deposited and filed in the office of the City Clerk in said Municipality on the 6th day of June, 1994.



Juanita Dagley, City Clerk of the
City of LeRoy, McLean County, IL

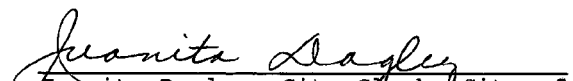
APPROVED by the Mayor of the City of Le Roy, Illinois, this 6th day of
June, 1994.



Jerry C. Davis, Mayor of the City
of LeRoy, McLean County, IL

ATTEST:

(SEAL)



Juanita Dagley, City Clerk, City of
Le Roy, McLean County, Illinois

CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of Le Roy, McLean County, Illinois.

I further certify that on June 6, 1994, the Corporate Authorities of such municipality passed and approved Ordinance No. 538, entitled:

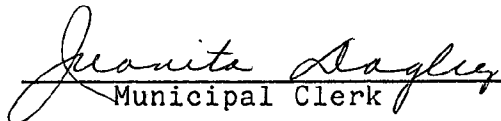
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 538, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on June 6, 1994, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois, this 6th day of June, 1994.

(seal)


Municipal Clerk