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DLC Assignment Form

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Subject :Alexander/Verne Bergschneider
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Assigned Staff:

Wight, Mark	Attorney
Malcolm, James	Bureau Requestor

Project Details:

Status Issued Date: 2/26/2007 Due Date: 3/26/2007

Please review ordinance revising the county code for Morgan County

Comments:

AN ORDINANCE AMENDING CHAPTER 95 OF THE 1988 MORGAN COUNTY CODE OF ORDINANCES, AS AMENDED, PERTAINING TO GROUND WATER USE

WHEREAS, the County of Morgan is a County of the State of Illinois and has jurisdiction over matters pertaining to its government and affairs; and

WHEREAS, the County of Morgan has established an ordinance regulating the location, construction, and repair of water well pumps; and

WHEREAS, certain properties in the County of Morgan (County), have been used over a period of time of time for commercial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the County may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620; and

WHEREAS, the County 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 in a portion of the County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF MORGAN:

Section 1: The Council of the County of Morgan, hereby amends the Morgan County Well Water Permit and Water Supply Ordinance of the Morgan County Code of Ordinances, as amended, by adding the following Article:

SECTION XV. GROUNDWATER USE

Use of groundwater as a potable water supply prohibited.

Except for such uses or methods in existence before the effective date of this ordinance, the use or attempt to use by any person as a potable water supply groundwater from any portion of that area lying immediately north of LUST incident cite number 910385 and running to the northern right of way of Highway 36, including any and all hard surfaces, slabs, and shoulders and drainage ditches, to the installation or drilling of wells for any other method, is hereby prohibited.

Definitions.

(a) "Person" is any individual, partnership, co-partnership, firm, company, ~~limited liability~~ ^{liability} company, corporation, association, joint stock company, trust, estate, political subdivision (including the County of Morgan), or any other legal entity, or their legal representatives, agents or assigns.

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(b) "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 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

Section 3. 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 4. The County Clerk is hereby directed to publish this ordinance in pamphlet form.

Section 5. This ordinance shall become effective immediately upon its passage and publication in pamphlet form.

PASSED: December 11, 2006

RECORDED: December 11, 2006

ATTEST:

Barbara J. Chase
JPC

SIGNED: December 11, 2006

Brad Zeller
Brad Zeller, Commissioner

Dick Rawlings
Dick Rawlings, Commissioner

Bill Meier
Bill Meier, Commissioner Chairman

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