

ORDINANCE NUMBER 2006-07-090

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.

(Pride Oil, 1701 South Philo Rd.)

WHEREAS, certain properties in the City of Urbana, 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 the City of Urbana may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code Part 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code Part 742; and

WHEREAS, the City of Urbana 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;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS:

Section One. Use of groundwater as a potable water supply is prohibited.

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 those portions of the following described area that are within the corporate limits of the City of Urbana by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the City of Urbana.

The area of prohibition is defined as the source of the release at the property located in the southwest quadrant of the intersection of Philo Road and Florida Avenue and all that area within a minimum radial distance of 1,000 feet in every direction there from; which includes an area roughly bounded by Michigan Avenue on the north, by the southern extension of Lanore Drive on the east, by Colorado Avenue on the south, and by Cottage Grove Avenue on the west (reference Exhibit A).

Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$500.00 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.

Section Seven. Publication

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this _____ day of _____, 2006.

AYES:

NAYES:

ABSTAINS:

Phyllis D. Clark,
City Clerk

APPROVED by the Mayor this _____ day of _____, 2006.

Laurel Lunt Prussing,
Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, 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"**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, _____, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, _____.

SEAL

CITY CLERK

EXHIBIT A

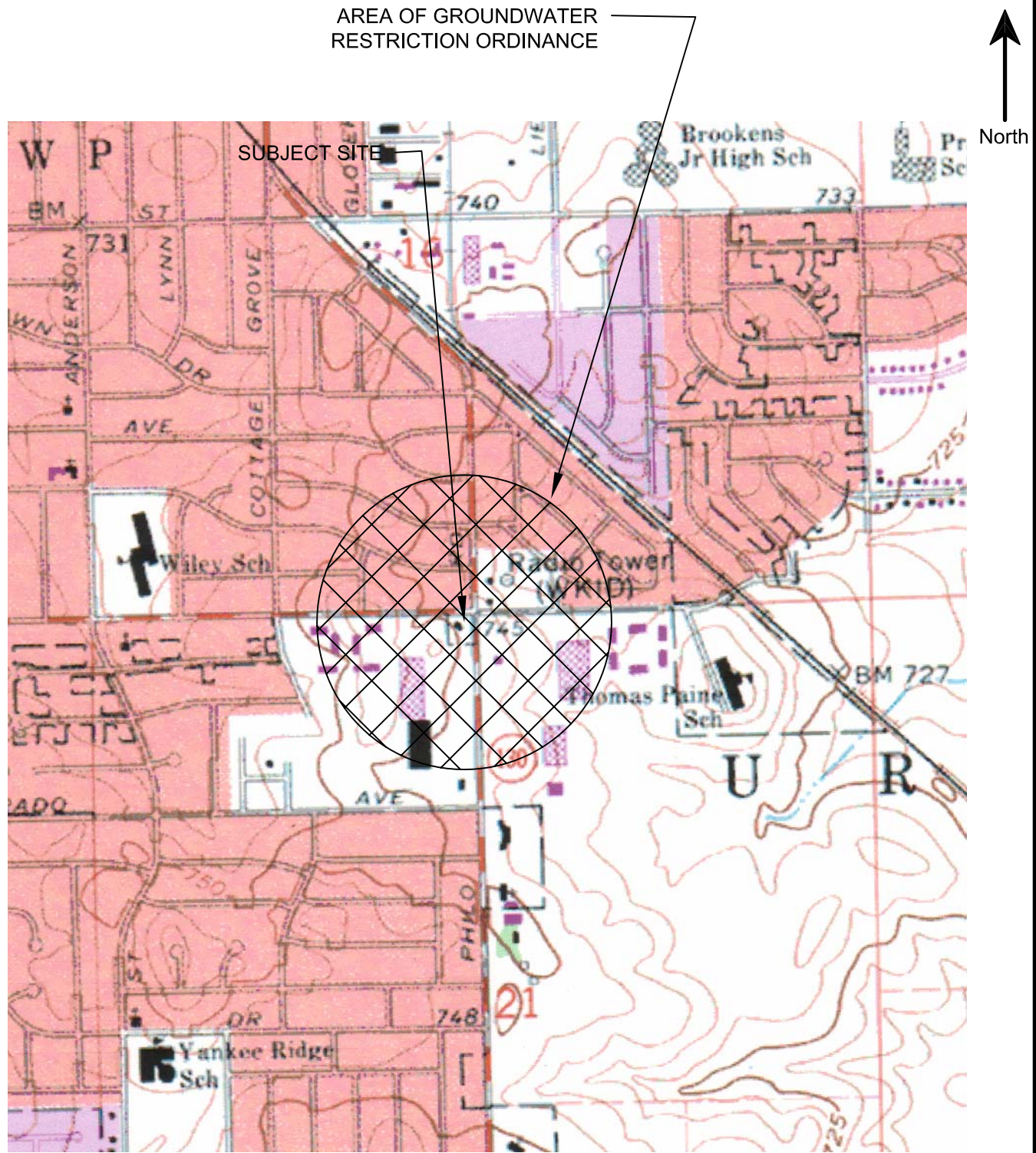


Diagram is a reproduction of a portion of the Thomasboro, Illinois; and Urbana, Illinois 7.5 minute Quadrangle Maps.

Scale 1" = 1,000'

GEOCON
engineering, inc.

306B Tiffany Court 217/403-9990 phone
Champaign, IL 61822 217/403-1559 fax

FIGURE 1
AREA OF GROUNDWATER
RESTRICTION ORDINANCE
Pride Oil Company, LLC. - 1701 Philo Road
Urbana, Champaign County, Illinois

PROJECT NO.: 41029

DATE: May 2006