

ORDINANCE NO. 25-03

VILLAGE OF WASHBURN, ILLINOIS

**AN ORDINANCE TO PROVIDE MINIMUM AND MAXIMUM SETBACKS
FOR THE PROTECTION OF WATER WELLS**

**PASSED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES
OF THE VILLAGE OF WASHBURN, ILLINOIS
ON THE 10 OF March, 2025.**

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**AN ORDINANCE TO PROVIDE MINIMUM AND MAXIMUM SETBACKS
FOR THE PROTECTION OF WATER WELLS**

WHEREAS, the Village of Washburn, Illinois (“Village”) has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety, and welfare of its citizens; and

WHEREAS, 65 ILCS 5/11-125-4 provides that the Village expressly has the authority to “adopt a minimum or maximum setback zone around a wellhead pursuant to Sections 14.2, 14.3, 14.4 and 17.1 of the Environmental Protection Act;” and

WHEREAS, the Village previously adopted Ordinances regarding the Village’s water; *see* MUNICIPAL CODE § 50.01, *et seq.*; and

WHEREAS, the corporate authorities of the Village have determined it is in the best interests of the Village to adopt a minimum or maximum setback zone around the Village’s wellheads pursuant to Sections 14.2 and 14.3 of the Environmental Protection Act.

**NOW THEREFORE, BE IT ORDAINED BY VILLAGE BOARD OF TRUSTEES
OF THE VILLAGE OF WASHBURN, ILLINOIS, THAT:**

SECTION 1. Adoption of amendments. Chapter 50 of the Municipal Code shall be amended to create a new section, section 50.09, which will read as follows:

**§ 50.09 MINIMUM AND MAXIMUM SETBACK FOR THE PROTECTION
 OF WATER WELLS.**

(A) *Purpose.* Pursuant to the authority conferred by 65 ILCS 5/11-125-4, 415 ILCS 5/14.2, 415 ILCS 5/14.3, and 65 ILCS 5/7-4-2; 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 potential for future use as a public water supply; the provision of this section 50.09 shall apply to all properties located within the minimum setback zone and the maximum setback zone established in this section 50.09. Additionally, pursuant to the authority conferred by 65 ILCS 5/7-4-2, all properties which (1) are owned by the Village, and (2) lie outside the corporate limits of the Village, and (3) do not lie within the corporate limits of any municipality, shall be subject to this section 50.09 as if it lies within the corporate limits of the Village.

(B) *Definitions.* Except as stated in this section 50.09, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this section 50.09 shall be the same as those used in the Illinois Environmental Protection Act (415 ILCS 5, *et seq.*) and the Illinois Groundwater Protection Act (415 ILCS 55, *et seq.*):

- (1) “Act” means the Illinois Environmental Protection Act (415 ILCS 5, *et seq.*).
- (2) “Agency” means the Illinois Environmental Protection Agency.
- (3) “Board” means the Illinois Pollution Control Board.
- (4) “Minimum Setback Zone” means the area around a community water supply well established under 415 ILCS 5/14.2 and this section 50.09. The area surrounding each Village Water Well has been designated a 200 foot radius Minimum Setback Zone.
- (5) “Maximum Setback Zone” means the area around a community water supply well established under 415 ILCS 5/14.3 and this section 50.09. For each Village Water Well, the Maximum Setback Zone is the area greater than the 200 foot radius Minimum Setback Zone but less than 1,000 feet radius from each Village Water Well.
- (6) “Village Water Well” means each and every community water supply well used for the purpose of supplying water to the citizens of the Village of Washburn, Illinois, including, in particular, Wells No. 1 and 2, which are located, respectively, on T28N-R2WW-S01 N 74’ Lots 3 and 4 BLK B Freemans 2nd ADDN, situated in the County of Woodford and State of Illinois.

(C) *Prohibitions.*

- (1) Except as provided in this section 50.09, no person shall place a new potential primary source, new potential secondary source, or new potential route within the Minimum Setback Zone.
- (2) Except as provided in this section 50.09, no person shall place a new potential primary source, or those activities cited in 35 Ill. Adm. Code 601, 615, 616, and 677, within the Maximum Setback Zone.

(D) *Waivers, exceptions, and certifications of minimal hazard.*

- (1) If, pursuant to 415 ILCS 5/14.2(b), 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 50.09(C)(1).

- (2) If, pursuant to 415 ILCS 5/14.2(c), 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 50.09(C)(1).
- (3) If, pursuant to 415 ILCS 5/14.2(c), 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 a waiver to the same extent from section 50.09(C)(2).
- (4) If, pursuant to 415 ILCS 5/15, 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 50.09(C)(1) to the same extent that such owner is not subject to 415 ILCS 5/14.2(d).

(E) *Exclusion.* Section 50.09(C)(1) shall not apply to new common sources of sanitary pollution as specified at 415 ILCS 5/17 and the regulations adopted thereunder by the Agency; provided, 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. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 3. Publication. The City Clerk shall publish this Ordinance in pamphlet form.

SECTION 4. Effective date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

ADOPTED by the Village Board of Trustees of the Village of Washburn, Illinois on this 10 day of March, 2025.

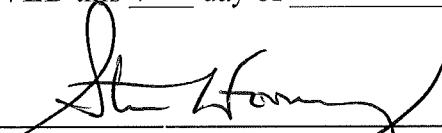
AYES: 6

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

APPROVED this 10 day of March, 2025:



PRESIDENT, VILLAGE BOARD OF TRUSTEES

ATTEST:



VILLAGE CLERK

CERTIFICATE OF PUBLICATION

I, DEIDRE GUY, Village Clerk of the Village of Washburn, do hereby certify that I am the keeper of the records and ordinances of the Village, and that the foregoing ordinance entitled AN ORDINANCE TO PROVIDE MINIMUM AND MAXIMUM SETBACKS FOR THE PROTECTION OF WATER WELLS, was duly passed by the President and Board of Trustees of the Village on the 10 day of March, 2015, and was duly approved by the President of the Village, on the 10 day of March, 2015, and that the same was afterwards, on the 11 day of March, 2015, duly published in pamphlet form by the authority of the Village on its website.



DEIDRE GUY, Village Clerk