

CITY OF MOMENCE

ORDINANCE NO. 832

AN ORDINANCE ADDING SECTION TO
THE CITY CODE RELATING TO THE OBLIGATION
TO CONNECT TO THE CITY WATER SYSTEM.

ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF MOMENCE
THIS 6th DAY OF November, 2017.

Published in pamphlet form by
authority of the Mayor and City Council of the
City of Momence, Kankakee County, Illinois this 6th
day of November, 2017.

ORDINANCE NO. ___832_____

**AN ORDINANCE ADDING SECTION ___ TO
THE CITY CODE RELATING TO THE OBLIGATION
TO CONNECT TO THE CITY WATER SYSTEM.**

WHEREAS, the City of Momence has constructed at substantial cost a municipal water system; and

WHEREAS, that water system serves almost all of the residents and businesses within the municipality; and

WHEREAS, the municipal water system is regularly tested in accordance with law and produces high-quality water; and

WHEREAS, some public and private wells in the vicinity have been required to cease operations because the water produced could not meet quality, potable water standards; and

WHEREAS, there are still some buildings within the City which are not connected to the municipal water system, even though municipal water utility lines are located in the streets adjacent to the properties or at a distance of no more than 500 feet from an exterior property line; and

WHEREAS, the Appellate Court case of the Village of Algonquin v. Tiedel, 345 Ill.App.3d 229 (2003), upheld the right of a municipality to require both mandatory sewer connections and mandatory water connections; and

WHEREAS, the Village of Algonquin included in its ordinance which, in relevant part, provided that “the Owners of all houses, buildings or properties situated within the Village in which there is now located a public water main, shall be required to make connection to the public water main;” and

WHEREAS, the Corporate Authorities of the City of Momence believe that it is appropriate to give the owners of such structures a period of time within which such owners must have their buildings connected to the municipal water system;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOMENCE, KANKAKEE COUNTY, ILLINOIS, as follows:

SECTION 1: That a new Section __3_ shall be added to the Code of Ordinances of the City of Momence, as follows:

The owner of all houses, buildings or properties situated within the City, located on streets in which there is located a public water main, or are located within 500 feet of a public water main, shall

be required to make connection to the public water main in accordance with all provisions of the Code applicable to the application and installation of a connection to the public water main including required payments.

SECTION 2: This Ordinance shall be included within the Code of Ordinances of the City of Momence, but it shall not be enforced against any person for a period of two (2) years after the date of its adoption. Owners of property may connect to the public water system within the two-year period, but a violation of this Ordinance both by way of fine and, if required, injunctive relief, shall not be sought against any Owner until two years after the effective date of this Ordinance. The effective date of this Ordinance shall be the date upon which it is passed, approved and published in pamphlet form.

APPROVED and ADOPTED by the Mayor and City Council of the City of Momence this __6th day of _____November, 2017, pursuant to roll call vote, as follows:

INTRODUCED this _16th day of _____October , 2017.

PASSED this __6th day of _____November, 2017.

APPROVED this __6th day of _____November, 2017.

AYES:

NAYS:

ABSENT:

Mayor

ATTEST:

City Clerk