

ORDINANCE NO: 1792

**AN ORDINANCE AMENDING SECTION 38-4-10 OF THE CITY CODE REGARDING  
WATER SERVICE AND ANNEXATION**

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**WHEREAS**, the City of Staunton maintains a municipal water system which system has been the subject of substantial effort by the City to improve in recent years and which system constitutes a great natural resource for the City of Staunton and its water users; and

**WHEREAS**, it is and has always been the public policy of the City of Staunton, Illinois that any property desiring to receive water service from the City of Staunton shall be required to annex into the City or execute and maintain a valid agreement to annex into the City when the property becomes contiguous; and

**WHEREAS**, the City of Staunton, Illinois has no obligation at law to initiate or continue water service to any property, individual, entity, corporation or business located outside of the corporate limits of the City of Staunton, Illinois, and expressly disclaims any obligation to do so other than as set forth under the terms and provisions of this Ordinance; and

**WHEREAS**, the City Council of the City of Staunton, Illinois believes that access to its municipal water system should continue to be restricted to individuals, entities, corporations and businesses located in the corporate limits of the City of Staunton, Illinois, or to the extent that annexation is not feasible based on the property not being currently contiguous to the corporate boundaries of the City of Staunton, then any individual, entity, corporation or business seeking to receive or continue to receive water service shall be required to execute and thereafter perpetually renew and maintain at all times valid annexation agreements with the City; and

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WHEREAS, any individual, entity, corporation or business not located within the corporate boundaries of the City of Staunton who is currently receiving water service from the City and does not have a current valid annexation agreement with the City shall be required to annex into the City if the property receiving the water service is currently contiguous to the City of Staunton's corporate boundaries, or if not, execute and perpetually maintain a valid annexation agreement in the form and manner requested by the City until such time as the property receiving the water service is contiguous and subject to annexation, which requirement shall be an express condition of current and future receipt of water service from the City of Staunton.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STAUNTON, ILLINOIS, AS FOLLOWS:

**SECTION 1:** The above recitals are adopted and incorporated by reference herein as express findings of fact and statements of policy of and by the City of Staunton.

**SECTION 2:** Section 38-4-10 of Article IV, Division II of Chapter 38 of the Revised Code of Ordinances of the City of Staunton, Illinois is hereby amended to read as follows:

**“38-4-10      SERVICE CONNECTIONS.**

(A)      **General Requirements.** No Connections with a water main shall be made without a permit being issued and twenty-four (24) hours notice having been given to the City Clerk. All such connections shall be under the supervision of the Public Works Director, and no connection shall be covered until the work has been inspected by him. Application for permits to make such connections shall be made to the City Clerk and a fee of One Thousand Dollars (\$1000.00) for City Residents and One Thousand Five Hundred Dollars (\$1500.00) for Non-City Residents shall be paid for each connection to a water main, where the service line running from the main and servicing a single property shall be one (1) inch or smaller. A fee of Three Thousand Dollars (\$3000.00) for City Residents and Three Thousand Two Hundred Dollars (\$3200.00) for Non-City Residents shall be paid for each connection to a water main, where the service line running from the main and servicing one or more properties shall be greater than one (1) inch in diameter. The City shall,

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subject to and in accordance with the requirements set forth in 38-3-2; 38-3-18; and 38-3-19, furnish a meter for and make each connection upon payment of the fees and costs set forth herein or under 38-3-2. The applicant or property owner shall be responsible for all materials, costs and labor used or expended associated with installing, maintaining or repairing any service line extending out from the residence to the meter. No permits for water connection will be issued by the City to property outside the corporate limits unless the property owner executes the City's required pre-annexation agreement, wherein, among other matters covered in such agreement, the property owner agrees to annex into the corporate limits of the City, upon request by the City, and executes a Petition to Annex. In the event that the Annexation Agreement expires before annexation shall be effected, the property owners and electors residing thereon agree to renew and enter into as many successive Annexation Agreements and Petitions to Annex as the City requires as a continued condition of receiving water from the City of Staunton. Any current or future individual, entity, corporation or business receiving or seeking to receive water from the City of Staunton shall, in exchange for the ability to continue to receive water from the City and as an express condition thereof, execute upon request by the City an Annexation Agreement and Petition to Annex, signed by all necessary parties, in a form and manner approved by the City in its sole discretion. Any individual, entity, business, or corporation currently receiving water who refuses to execute an Annexation Agreement and Petition to Annex as required herein shall have their ongoing City of Staunton water service terminated, as the City reserves its right to refuse to supply water to any individual, entity, corporation or business located outside of the City's corporate boundaries."

**SECTION 3 - SEVERABILITY OF PROVISIONS:** Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such a decision.

**SECTION 4 - EFFECTIVE:** This Ordinance shall be in effect immediately upon its passage, approval and publication as provided by law.

**SECTION 5:** Any and all Ordinances, sections or subsections of Ordinances in conflict herewith are hereby repealed.

PASSED this 14<sup>th</sup> day of September, 2015.

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Roll Call Vote:

VOTING AYE:

Gardle

Britchett

Blenske

Scanzoni

Neuhans

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VOTING NAY:

Badner

Stennis

Birdsell

Kalbovic

ABSENT:

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APPROVED by the Mayor of the City of Staunton, Illinois this 14<sup>th</sup> day of

September, 2015.

Craig Neuhans  
Craig Neuhans, Mayor

ATTESTED, Filed in my office,  
and published in pamphlet form  
This 14<sup>th</sup> day of September, 2015.

Dennis Stiegemeier  
Dennis Stiegemeier, Staunton City Clerk