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3 **COMMON COUNCIL OF THE CITY OF HOBART, INDIANA**

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5 **ORDINANCE 2013- 09**

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7 **An Ordinance to Amend the Municipal Code to Restrict**  
8 **the Use of Groundwater In Certain Areas**

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10 WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana (“City”)  
11 has been advised that, due to the presence of contaminants affecting the groundwater in a certain  
12 area of the City described below, it is necessary and desirable to enact a restriction prohibiting  
13 the use of groundwater within such area to protect the public health; and  
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15 WHEREAS, the Council previously enacted Chapter 52 of the City of Hobart Municipal  
16 Code governing Well Water Regulations and desires to amend same through this Ordinance to  
17 add a provision effecting such restriction.  
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19 THEREFORE, BE IT ORDAINED by the COMMON COUNCIL of the CITY OF  
20 HOBART as follows:

21 *SECTION ONE.* The Municipal Code of the City of Hobart, Indiana (“Code”),  
22 Chapter 52 entitled “*WATER,*” is hereby amended by adding the following new section  
23 to be designated §52.03 and entitled “GROUND WATER RESTRICTION” as follows:  
24

25 **§ 52.03. GROUND WATER RESTRICTION.**

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27 (A) This section applies only to the geographic area of the  
28 City within the following boundaries: Commencing at the  
29 intersection of the Eastern shore of Lake George with the center  
30 line of Front Street extended; thence Northeasterly along the center  
31 line of Front street to the West bank of Duck Creek; thence  
32 Northwesterly along the West bank of Duck Creek to the South  
33 bank of Deep River, thence Southwesterly along the South bank of  
34 Deep River to the Lake George Dam; thence Southwesterly across  
35 the Lake George Dam to the Eastern shore of Lake George, thence  
36 Southeasterly along the Eastern shore of Lake George to the point  
37 of beginning. Such geographic area shall be referred to in this  
38 section as the “restricted area.”  
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40 (B) Private water wells for human and domestic purposes  
41 within the restricted area are hereby prohibited. Occupants or  
42 users of real property within the restricted area must be connected  
43 to the public water supply utility.  
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45 (C) Any private water well within the restricted area  
46 existing as of the date of the taking effect of this section, or

thereafter, must be disconnected from the water supply system and such disconnection of the well must be inspected and approved by the Building Commissioner of the City.

(D) Any use of private water wells within the restricted area after the taking effect of this section shall constitute a violation thereof, and shall be subject to penalty in the form of a fine not to exceed \$2,500.00 for each violation. Each day such use shall occur or continue shall constitute a new and separate violation, and shall be subject to additional fine, each such day's fine not to exceed \$2,500.00.

(E) The City of Hobart, acting by and through the Clerk-Treasurer, shall provide written notice to the Indiana Department of Environmental Management at least 60 days before the amendment or repeal of this ordinance and no later than 30 days after the passage, amendment or repeal of this ordinance. Written notice shall be sent to the following address:

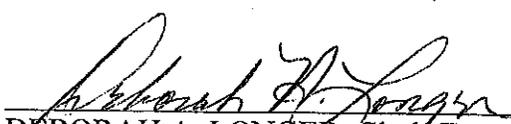
IDEM, Office of Land Quality  
Remediation Services Branch  
Attn: Branch Chief  
IGCN Suite 1101  
100 N Senate Ave  
Indianapolis, IN 46204-2251.

SECTION TWO: This ordinance shall become effective upon its adoption in the manner required by law, and upon publication thereof pursuant to I.C. §36-3-4-6-14(b) in two newspapers of general circulation published within the City pursuant to I.C. §5-3-1-4 (a).

SECTION THREE: All ordinances or portions thereof in effect prior to the effective date and in conflict with the provisions of this ordinance are hereby repealed.

ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 6<sup>th</sup> day of March, 2013.

  
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BRIAN K. SNEDECOR, Presiding Officer  
*JERRY HERZOG* PRESIDENT PRO TEM

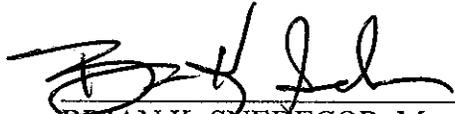
ATTEST:   
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DEBORAH A. LONGER, Clerk-Treasurer

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PRESENTED by me to the Mayor of the City of Hobart on the 6<sup>th</sup> day of March, 2013 at the hour of 7:30 p.m.

  
DEBORAH A. LONGER, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 7<sup>th</sup> day of March, 2013.

  
BRIAN K. SNEDECOR, Mayor

ATTEST:   
DEBORAH A. LONGER, Clerk-Treasurer