

**ORDINANCE NO. 6667**

**AN ORDINANCE AMENDING TITLE 5, CHAPTER 51, SECTION 51.02 OF THE LOMBARD CODE IN REGARD TO WELLS**

WHEREAS, the Village of Lombard has established and maintains regulations on the construction and maintenance of wells, which are found in Title 5, Chapter 51, Section 51.02 of the Lombard Village Code; and,

WHEREAS, the Village finds that Section 51.02 of the Lombard Village Code should be amended to address wells on properties within the Village's CR Conservation Recreation Zoning District; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review the Lombard Village Code to ensure that the regulations adequately meet the health, safety and welfare needs of the Village, and make necessary changes when warranted;

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: That Title 5, Chapter 51, Section 51.02 is hereby amended in its entirety as follows:

A. That subsection (C) is amended by revising the reference therein to, "subsection (D)," to read, "subsections (D) and (E)."

B. That subsections (D)(2)(b), (D)(2)(c), (D)(2)(d), (D)(3)(d), (D)(4)(a) and (D)(4)(c) are amended by revising the references therein to, "Director of Community Development," or to "Director," to read, "Director of Public Works."

C. That current subsection (E) is relabeled as subsection (F).

D. That a new subsection (E) shall be added, to read in its entirety as follows:

"(E) Notwithstanding the foregoing, a well may be constructed or installed within the Village provided there is strict compliance with the following:

(1) Eligibility:

(a) Properties designated for zoning purposes as Conservation Recreation (CR) pursuant to Section 155.401 of this Code.

(b) Improved properties of twenty five (25) acres or more served by stormwater retention ponds.

- (c) The ponds are in single or unified ownership, or owned by a taxing body organized under 105 ILCS 5/1 - et seq. or 70 ILCS 1205/1- et seq. of the Illinois Compiled Statutes.
- (d) No public water supply is located within two hundred fifty (250) feet of the pond.
- (e) The Village has approved an irrigation system for property in question, which will receive water from the well.
- (f) All necessary DuPage County and State of Illinois approvals and permits for a well have been issued, or will be issued subject to Village approval.

(2) Conditions:

- (a) The well and irrigation system are not directly or indirectly connected to the Village's water system (or, upon approval of a well, the irrigation system is disconnected from the Village's water system).
- (b) The Director of Public Works has received a professionally prepared hydrology study and report demonstrating that the proposed well will not cause any undue adverse effects on other properties utilizing well water from the same aquifer.
- (c) The well-head is metered and the permittee provides to the Director of Public Works a report of water consumption from the well annually or at such other times as the Director of Public Works may request.

(3) Restrictions on Use:

- (a) Water from the well may be used solely for landscape irrigation and the watering of adjacent right-of-way landscaping within the development for which a well is permitted.
- (b) If at any time it is determined by the Village that the hydrology study that was submitted was incorrect in its conclusions, or if the Village determines that public health, safety and/or welfare reasons require a temporary suspension of the use of said well, the Director of Public Works may order the temporary suspension of the use of the well.

(4) Administration:

- (a) The applicant for a well approval under this subsection (E) shall submit a professional hydrology study, and plans for the irrigation system and well, to the Director of Public Works.
- (b) Upon approval of the submitted plans, and the issuance of permits for construction of the well and irrigation system by the County and/or State, as the case may be, the Village shall allow construction of the well to commence.
- (c) Upon final construction of the completed well and irrigation improvements, the Director of Public Works shall, provided that all the requirements of this subsection (E) have been complied with, issue a certificate of authorization for the use of the irrigation well to the owner of the land upon which the well is located. The certificate shall incorporate by reference all of the ordinances of the Village regulating the use of such well and shall include any other conditions or restrictions which the Director of Public Works reasonably determines are necessary for the protection of the public health, safety and welfare. The certificate shall constitute a covenant running with the land and shall be recorded with the DuPage County Recorder of Deeds.”

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this 1<sup>st</sup> day of December, 2011.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2011.


Passed on second reading this 27<sup>th</sup> day of December, 2011.

Ayes: Trustees Gron, Giagnorio, Wilson, Breen, Fitzpatrick and Ware


Nays: None

Absent: None

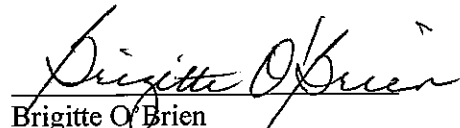
Approved this 27<sup>th</sup> day of December, 2011.

  
William J. Mueller  
Village President

ATTEST:

  
Brigitte O'Brien  
Village Clerk

Published by me in pamphlet form this 28<sup>th</sup> day of December, 2011.

  
Brigitte O'Brien  
Village Clerk