


VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott R. Niehaus, Village Manager
DATE : March 12, 2024 **(BOT) Date:** March 21, 2024
SUBJECT: Text Amendments to Chapter 115 of Village Code – Filling Stations
SUBMITTED BY: William J Heniff, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

At the February 12, 2024 meeting of the Economic & Community Development Committee considered a series of text amendments to Chapter 115 of Village Code, pertaining to filling stations (aka gas stations). These edits are more fully set forth within the attached memorandum prepared for Village Board consideration. The edits are primarily intended to eliminate conflicts with other provisions of Village Code, existing processes, and items for clarity.

The ECDC reviewed the text amendments within the attached Ordinance and found it to be acceptable as proposed and recommended its approval by the Village Board. Please place this item on the March 21, 2024 Village Board agenda for consideration and approval.

Fiscal Impact/Funding Source:

Review (as necessary)

Finance Director _____ Date _____
Village Manager _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WH*

MEETING DATE: March 21, 2024

SUBJECT: **Text Amendments to Chapter 115 of Village Code – Filling Stations**

At the February 12, 2024 meeting of the Economic & Community Development Committee, the members considered a series of text amendments to Chapter 115 of Village Code, pertaining to filling stations (aka gas stations). These edits are more fully set forth within the attached memorandum prepared for Village Board consideration. The edits are primarily intended to eliminate conflicts with other provisions of Village Code, existing processes, and items for clarity.


ACTION REQUESTED

The ECDC reviewed the text amendments within the attached Ordinance and found it to be acceptable as proposed and recommended its approval by the Village Board. Please place this item on the March 21, 2024 Village Board agenda for consideration and approval.



MEMORANDUM

TO: Trustee Anthony Puccio, Chairperson
Economic and Community Development Committee Members

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: February 12, 2024

SUBJECT: **Text Amendments to Chapter 115: Filling Stations**

The Economic and Community Development Committee (ECDC) has reviewed selected Village Code provisions pertaining to matters under the purview of the Community Development Department and not otherwise administered through other established entities (such as the Zoning Board of Appeals or the Plan Commission). Additionally, the ECDC has been engaged in reviews of the Code Enforcement Policy Manuals and other policy related matters.

In 2023, the ECDC reviewed a series of amendments pertaining to Chapter 94: Nuisance. Attached is a series of amendments for consideration that pertain to Chapter 115: Filling Stations. This Section was reviewed to provide greater code clarity and consistency between this section and other sections of the Village Code. It is also a part of our larger effort to simplify business regulations for prospective and existing businesses (a key outcome indicator of the Economic Development goals in the Village Board's Strategic Plan).

ACTION REQUESTED

These amendments are being brought forward to the ECDC for discussion and a recommendation. At the February 12, 2024 ECDC, staff will review these amendments in greater detail. Staff will also seek a recommendation from the ECDC to prepare a draft Ordinance for consideration by the Village Board.

CHAPTER 115: - FILLING STATIONS

§ 115.01 - Definitions.

For the purpose of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Filling station. Any building, structure, premises, enclosure, or other place within the village where a container or tank, either portable or stationary, and containing ether, carbon, bisulphate, gasoline, naphtha, benzol, hydrocarbon (gas drips), liquified petroleum gas, acetone, kerosene, turpentine, or other inflammable liquids, having a flash point below 187 degrees Fahrenheit are kept or located for the purpose of selling, offering for sale or distributing any such liquids from such containers or tanks; provided, however, that the provisions of this Chapter shall not apply to any place where such flammable liquids are kept or sold for medicinal purposes only.

('70 Code, § 5.36.010) (Ord. 728, passed 12-17-56)

§ 115.02 - Licenses; fees.

(A) No person shall manage, conduct, operate, or carry on the business of a filling station without first having obtained a license ~~therefore~~, as provided in this Chapter.

(B) The application for the license required by this Chapter for the business of managing, conducting, operating, or carrying on a filling station shall specify the location of the building, structure, premises, enclosure, or other place in which it is proposed to keep such filling station, and the capacity in gallons of the containers or tanks. Every such application shall be reviewed and approved by the Village Chief of the Fire Department and the Board of Trustees before a license shall be issued.

This edit memorializes the current practice of license reviews and approvals by staff as an administrative function, and not one that would require direct Village Board approval. However, as such establishments are listed as conditional uses in the Zoning Ordinance, the right for such a business already requires separate Village Board approval action of the proposed land use itself.

(C) The license fee for each filling station shall be \$250.00 per year.

(D) Licenses shall be solely applicable to the premises in which an application is made. If in the event a license is sought for a property other than the location in which a license was granted, a new license shall be required.

This amendment has been a part of past practice as licenses are tied to both the business operator and given property.

('70 Code, § 5.36.020) (Ord. 728, passed 12-17-56; Am. Ord. 968, passed 4-16-62; Am. Ord. 1574, passed 6-22-70; Am. Ord. 2399, passed 7-17-80; Ord. 5628, passed 4/21/05)

§ 115.03 - ~~Change of location.~~Reserved

~~If any person licensed under the provisions of this Chapter shall, before the expiration of such license, desire to change the location of the business conducted thereunder, the licensee shall notify the Director of Finance and shall furnish all of the information which is required to be furnished on an original application for license. Every such application for change of location shall be approved by the Chief of Police and the Chief of the Fire Department and the Board of Trustees before a change in location shall be authorized.~~

Since the Zoning Ordinance requires a separate entitlement and approval if it is a new facility, licensure transferability is not consistent with other code sections.

('70 Code, § 5.36.030) (Ord. 728, passed 12-17-56)

§ 115.04 - Conformity to Village Code~~building code.~~

It is unlawful to maintain or operate any filling station in any building at any site which does not conform to Village Code the requirements of the village ordinances as well as any companion zoning ordinances for any such facilities approved by the Village Board.

This amendment is to clarify licensing and general code compliance provisions are tied together and not just Building Code provisions. For further clarity, such facilities are approved by a separate through a conditional use Ordinance and any specific conditions of approval are tied to its development and operations.

('70 Code, § 5.36.040) (Ord. 728, passed 12-17-56)

§ 115.05 - Parking vehicles for sale prohibited.

~~It is unlawful for any person to park in any filling station any vehicle displayed "For Sale," unless a license is first obtained for operating an outdoor secondhand motor vehicle sales lot as provided by ordinance.~~

The parking of vehicles displayed as "For Sale" at any filling station shall be deemed a nuisance as set forth with Section 94.05(M) of Village Code.

This amendment is intended to reflect the "For Sale" provisions considered by the ECDC in 2023 and ultimately approved by the Village Board and currently within Section 94.05(M):

The parking of any vehicle within any quasi-public parking lot within 50 feet of the right of way of any street or highway, for the primary purpose of sale, within the Village. Quasi-public parking lots means any off-street parking area designated for the use of the general public who have business or some other type of function at the premises where the parking lot is located. The "Primary purpose of sale" means; the vehicle is parked with signs or markings clearly indicating that the vehicle is offered for sale and that said vehicle is not being used for any purpose other than offering the vehicle for sale. It is

presumed, in the event a vehicle is parked in excess of ten hours at one location with signs indicating the vehicle is for sale, that the primary purpose is for sale purposes.

('70 Code, § 5.36.050) (Ord. 728, passed 12-17-56)

§ 115.06 - Parking time for trucks limited.

It is unlawful for any person to store or park any motor vehicle used for pulling or carrying freight or designed for the carrying of more than nine persons on the premises of any filling station for a period of time longer than two hours unless such motor vehicle is stored or parked completely within the confines of a building or structure on such premises.

('70 Code, § 5.36.060) (Ord. 728, passed 12-17-56)

§ 115.07 - Repair or service of motor vehicles.

It is unlawful for any person to carry on the business of a motor vehicle repair shop or a motor vehicle service establishment on the premises of any filling station unless such motor vehicle repair or service work is done within the confines of a completely enclosed building or structure on such premises, and consistent with Chapter 155 of Village Code.

This edit is intended to provide consistency between the Zoning Ordinance and Chapter 115. The Zoning Ordinance defines vehicle repair (longer-term work, such as body work) and vehicle service (items that can be readily done within a short time period, like oil changes) as two distinct land use activities. The Zoning Ordinance also requires both activities to be performed within an enclosed building, so this edit is intended to mirror code provisions.

('70 Code, § 5.36.070) (Ord. 728, passed 12-17-56)

§ 115.08 - Video gaming prohibition.

Video gaming, as provided for by the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., and defined in § 112.02 of this Code, is prohibited at those business establishments, licensed under this Chapter 115, which constitute licensed truck stop establishments, as defined in the Illinois Video Gaming Act.

(Ord. No. 7647, § 13, passed 4-4-19)

§ 115.99 - Penalty.

Any person, firm, or corporation violating any provision of this Chapter shall be fined not less than \$25.00 nor more than \$750.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

('70 Code, § 5.36.090) (Ord. 728, passed 12-17-56)

ORDINANCE NO. _____

**AN ORDINANCE GRANTING APPROVAL OF TEXT AMENDMENTS
TO TITLE IX, CHAPTER 115 OF THE LOMBARD VILLAGE CODE**

(Filling Stations)

WHEREAS, the Village of Lombard established Nuisance Code provisions which is found in Title IX, Chapter 115 of the Lombard Code of Ordinances; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Code and make necessary changes; and,

WHEREAS, a review of the Code provisions has been conducted by the Village of Lombard Economic & Community Development Committee (ECDC) on February 12, 2024; and,

WHEREAS, the ECDC has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein and as set forth below; and,

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 IX, Chapter 115.01 through 115.99 of the Lombard Village Code shall be amended to read as follows:

CHAPTER 115: - FILLING STATIONS

§ 115.01 - Definitions.

For the purpose of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Filling station. Any building, structure, premises, enclosure, or other place within the village where a container or tank, either portable or stationary, and containing ether, carbon, bisulphate, gasoline, naphtha, benzol, hydrocarbon (gas drips), liquified petroleum gas, acetone, kerosene, turpentine, or other inflammable liquids, having a flash point below 187 degrees Fahrenheit are kept or located for the purpose of selling, offering for sale or distributing any such liquids from such containers or tanks; provided, however, that the provisions of this Chapter shall not apply to any place where such flammable liquids are kept or sold for medicinal purposes only.

('70 Code, § 5.36.010) (Ord. 728, passed 12-17-56)

§ 115.02 - Licenses; fees.

- (A) No person shall manage, conduct, operate, or carry on the business of a filling station without first having obtained a license, as provided in this Chapter.
- (B) The application for the license required by this Chapter for the business of managing, conducting, operating, or carrying on a filling station shall specify the location of the building, structure, premises, enclosure, or other place in which it is proposed to keep such filling station, and the capacity in gallons of the containers or tanks. Every such application shall be reviewed and approved by the Village before a license shall be issued.
- (C) The license fee for each filling station shall be \$250.00 per year.
- (D) Licenses shall be solely applicable to the premises in which an application is made. If in the event a license is sought for a property other than the location in which a license was granted, a new license shall be required.
(‘70 Code, § 5.36.020) (Ord. 728, passed 12-17-56; Am. Ord. 968, passed 4-16-62; Am. Ord. 1574, passed 6-22-70; Am. Ord. 2399, passed 7-17-80; Ord. 5628, passed 4/21/05)

§ 115.03 - Reserved

(‘70 Code, § 5.36.030) (Ord. 728, passed 12-17-56)

§ 115.04 - Conformity to Village Code.

It is unlawful to maintain or operate any filling station at any site which does not conform to Village Code as well as any companion zoning ordinances for any such facilities approved by the Village Board.

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It is unlawful for any person to carry on the business of a motor vehicle repair shop or a motor vehicle service establishment on the premises of any filling station unless such motor vehicle repair or service work is done within the confines of a completely enclosed building or structure on such premises, and consistent with Chapter 155 of Village Code.

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§ 115.99 - Penalty.

Any person, firm, or corporation violating any provision of this Chapter shall be fined not less than \$25.00 nor more than \$750.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

('70 Code, § 5.36.090) (Ord. 728, passed 12-17-56)

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

Passed on first reading this ____ day of _____, 2024.

First reading waived by action of the Board of Trustees this ____ day of _____, 2024.

Passed on second reading this ____ day of _____, 2024.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2024.

Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this _____ day of _____, 2024.

Elizabeth Brezinski, Village Clerk