


LEGISTAR: 200122
DISTRICT #: ALL

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott Niehaus, Village Manager
DATE: February 3, 2021 (BOT) Date: February 18, 2021
SUBJECT: Ordinance Amending Section 51.02 of the Lombard Village Code
SUBMITTED BY: Carl S. Goldsmith, Director of Public Works 

BACKGROUND/POLICY IMPLICATIONS:

Staff recommends an amendment to Section 51.02 of the Lombard Code to allow for the use of irrigation wells for the purpose of landscape irrigation on properties zoned CR Conservation Recreation in excess of 25 acres. The Village Board had previously adopted ordinance 6667 that permitted wells to be used for irrigation purposes, but restricted wells where a public water supply was located within 250 feet of a pond on the property. This revision to the Ordinance removes the 250-foot requirement. Strict guidelines have been developed to manage and monitor the irrigation wells.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____

Village Manager _____ Date _____


NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



February 3, 2021

TO: Village President and Board of Trustees

THROUGH: Scott Niehaus, Village Manager

FROM: Carl S. Goldsmith, Director of Public Works 

SUBJECT: Ordinance Amending Section 51.02 of the Lombard Village Code

Based upon a request from the Lombard Park District, the Village Board adopted Ordinance 6667 in 2011. That Ordinance amended Section 51.02 of the Lombard Village Code, which eliminated the requirement of Section 51.02 (D)(3), that well water used for irrigation purposes must be pumped into retention ponds and subsequently pumped to the irrigation system for the express purpose of watering landscape areas on the property. The regulation further requires that properties are ineligible to construct a well if a public water supply is located within two hundred-fifty (250) feet of the property line.

This Ordinance has been in place for nine (9) years with no action being taken by the District to construct an irrigation well. In discussing the matter with the Park District, it was determined that the requirement that a well could not be dug if a public water supply is located within 250 feet of the property line, essentially precludes wells to be dug on any Park District property. As such, the Village staff is seeking to amend the Code to eliminate the provision of the Code that prohibits wells to be dug when a public water supply is located within 250 of the property line. All other provisions of the Code shall remain and include the following:

- The property is designated for zoning purposes as Conservation Recreation (CR) pursuant to the Lombard Village Code.
- The property is at least twenty-five (25) acres or more and served by a stormwater retention pond.
- The pond(s) are in single or unified ownership, or owned by a taxing body organized under 105 ILCS 5/1 - et seq. ("School District Code") or 70 ILCS 1205/1- et seq. ("Park District Code") of the Illinois Compiled Statutes.
- The Village has approved an irrigation system for the property
- 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.

The conditions placed on the construction and use of irrigation wells are such that they only permit taxing bodies to comply. Through the limiting of authority to public agencies, the Village will help

minimize the cost for services to other agencies, thereby affecting the taxes imposed on the residents and businesses in Lombard. The collaboration with other agencies demonstrates the Village's commitment to "good government" and community partnerships that result in reduced costs to the taxpayers.

I respectfully request that this matter be placed on the Village Board agenda for the February 18, 2021 meeting for consideration.

Recommendation

The Public Works and Environmental Concerns Committee and staff recommend that the Village President and Board of Trustees approve the Ordinance Amending Section 51.02 of the Lombard Village Code.

§ 51.02 - Wells prohibited; exceptions.

- (A) It is unlawful to drill or install any well for the purpose of securing water for use in any premise in the village, other than a well connected with and made a part of the municipal water supply and distribution system installed and operated by the village.
- (B) The President and Board of Trustees may, upon application, authorize a well to be drilled where:
 - (1) No public water supply is within 250 feet of the lot line of the premises seeking water; and
 - (2) The plight of the applicant is due to unique circumstances; and
 - (3) The permission to drill or install the well will not unduly compromise the intent of this section prohibiting private water wells; and
 - (4) The applicant executes a covenant to run with the land that whenever any portion of the public water supply system is within 250 feet of the lot line of the premises serviced by well said applicant will connect to said public water system within six months of notification of the availability of public water, and disconnect and seal any well on the premises to be so served; and
 - (5) The applicant has received written approval from the County Health Department for the proposed well.
- (C) Except as set forth in subsections (D) and (E) below, it shall be unlawful to maintain any well on any property in relation to which the building(s) located thereon is connected to the village's water supply and distribution system. Any such well shall be abandoned and sealed, in accordance with the well sealing requirements of the State of Illinois and the DuPage County Health Department, within 30 days after connection is made to the village's water supply and distribution system. For purposes of this section, a building shall be deemed connected to the village's water supply and distribution system even if the connection is currently turned off.
- (D) Notwithstanding the foregoing, a well may be maintained within the village provided there is strict compliance with the following:
 - (1) *Eligibility:*
 - (a) Improved properties of 25 acres or more served by stormwater retention ponds having an established normal water level which has been reviewed and approved by the village.
 - (b) The ponds are in single or unified ownership or are subject to easements or restrictive covenants running with the land with respect to the right to utilize the water in the ponds for landscape irrigation purposes.
 - (c) The village has approved landscape plans for the development.
 - (d) The village has approved an irrigation system for development.
 - (e) 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) A clearly visible means of marking the normal water level, approved by the village, is established and maintained in a manner acceptable to the Director of Public Works.

- (d) 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 may request.
- (3) *Restrictions on Use:*
- (a) Water from the well may be pumped solely into the approved stormwater retention pond and only when the water level is below the normal water level.
 - (b) Pumping must cease when the stormwater retention pond is restored to normal water level.
 - (c) Water from the stormwater retention pond 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. This includes, but is not limited to, foundation landscaping areas, landscaped medians, landscaped yards, right-of-way landscaping, landscaped private or common open space.
 - (d) 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 (D) 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 (D) 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.
- (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 § 155.401 of this Code.
 - (b) Improved properties of 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 Statues.
 - ~~(d) No public water supply is located within 250 feet of the pond.~~
 - (ed) The village has approved an irrigation system for property in question, which will receive water from the well.
 - (fe) 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.

- (F) Notwithstanding anything to the contrary contained in this Code, except for uses or methods in existence before the effective date of this subsection (F) prohibiting such use, the use or attempt to use, as a potable water supply (any water used for human or domestic consumption including, but not limited to, water used for drinking, bathing, swimming, washing dishes or preparing foods), groundwater from within a 2,500 foot radius of the boundaries of the property legally described below by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the Village of Lombard:

LOT 1, 2, AND 3 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393 AND CORRECTED BY CERTIFICATE RECORDED JUNE 13, 1967 AS DOCUMENT R67-19517, IN DUPAGE COUNTY, ILLINOIS.

EXCEPT:

PLAT OF DEDICATION OF RIGHT OF WAY ON FEBRUARY 23, 1998: THAT PART OF LOT 1 IN MARQUARDT'S RESUBDIVISION OF PART OF LOTS 9 THROUGH 12 AND PART OF LOT 13 IN SUBDIVISION OF OUTLOT 10 OF THE TOWN OF LOMBARD, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 1967 AS DOCUMENT R67-16393, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 AND HEADING SOUTH ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 12.95 FEET TO A POINT; THENCE NORTH 51 DEGREES 15 MINUTES 50 SECONDS WEST, A DISTANCE OF 15.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ST. CHARLES ROAD; THENCE NORTH 74 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 12.41 FEET TO THE POINT OF BEGINNING, CONTAINING 77.3681 SQUARE FEET OR 0.0018 ACRES MORE OR LESS, IN DUPAGE COUNTY, ILLINOIS

PARCEL NUMBERS: 06-07-208-016, 06-07-208-021, 06-07-208-022

- (G) Notwithstanding anything to the contrary contained in this Code, except for uses or methods in existence before the effective date of this subsection (G) prohibiting such use, the use or attempt to use, as a potable water supply (any water used for human or domestic consumption including, but not limited to, water used for drinking, bathing, swimming, washing dishes or preparing foods), groundwater from within the boundaries of the property legally described below, by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the Village of Lombard:

The North 215 feet of the West 265 feet, as measured on the West and North lines of the West half of the Northeast quarter of Section 19, Township 39 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois (except therefrom the part dedicated for public roads recorded as Document R67-30910 and that part taken by condemnation in Case 86ED77 recorded as Document R88-243350).

Also being described as:

Lot 1 of Mobil's Roosevelt and Finley Subdivision of the North 700 feet to the West 770 feet, of the Northeast 1/4 of Section 19, Township 39 North, Range 11, East of the Third Principal Meridian, Lombard, DuPage County, Illinois, described as: Beginning at the Northeast corner of said Lot 1, said point being on the South right-of-way line of Roosevelt Road (Illinois Route 38) (100 feet wide); thence South 02 degrees 17 minutes 41 seconds East 165.00 feet along the East line of said Lot 1 to the Southeast corner of said Lot 1; thence South 87 degrees 42 minutes 46 seconds West 215.00 feet along the South line of said Lot 1 to the Southeast corner of said Lot 1, said point being on the East right-of-way line of Finley Road (100 feet wide); thence North 02 degrees 17 minutes 41 seconds West 150.00 feet along said East right-of-way and West line of said Lot 1; thence North 42 degrees 42 minutes 32 seconds East 21.21 feet along said East right-of-way and West line of said Lot 1 to the Northwest corner of said Lot 1, said point being on the South right-of-way line of Roosevelt Road (Illinois Route 38); thence North 87 degrees 42 minutes 46 seconds East 200.00 feet along said South right-of-way line and North line of said Lot 1 to the place of beginning.

And:

Lot 2 of Mobil's Roosevelt and Finley Subdivision, except the West 260 feet of the East 410 feet of the North 150 feet, being a subdivision in the West 1/2 of the Northeast 1/4 of Section 19, Township 39 North, Range 11, East of the Third Principal Meridian, according to the Plat recorded on February 27, 1990 as Document Number R1990-024288, in DuPage County, Illinois.

PINs: 06-19-200-009 and 06-19-200-013.

- (H) Notwithstanding anything to the contrary contained in this Code, except for uses or methods in existence before the effective date of this subsection (H) prohibiting such use, the use or attempt to use, as a potable water supply (any water used in human or domestic consumption including, but not limited to, water used for drinking, bathing, swimming, washing dishes or preparing foods),

groundwater from within the specified limits surrounding the property legally described below as illustrated on the attached ordinance map (*See Modeled Ordinance Map, Exhibit A*) by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the Village of Lombard:

THE WEST 150 FEET OF THE NORTH 190 FEET OF THE NORTHWEST ¼ OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.

The limits of the proposed ordinance will be bounded north of the contamination plume by the intersection of Finley Road and West Edward Street. This boundary limit will extend east along West Edward Street until reaching the intersection of West Edward Street and South Main Street. The boundary limit will extend north from this point along South Main Street until reaching the intersection of South Main Street and East Central Avenue. The boundary limit will extend east from this point along East Central Avenue until reaching the intersection of East Central Avenue and South Charlotte Street. The boundary limit will continue east from this point along East Central Avenue until reaching the intersection of East Central Avenue and Hammerschmidt Avenue. The boundary limit will extend directly south from this point along the Pedway Easement through the property at 200-220 E. Roosevelt Road (the National University of Health Sciences) until reaching the intersection of East Roosevelt Road and southbound Highland Avenue. The boundary limit will extend south from this point along southbound Highland Avenue until reaching the intersection of southbound Highland Avenue and East 13th Place. The boundary limit will extend west from this point along East 13th Place until reaching the intersection of East 13th Place and south Main Street. The boundary limit will extend south from this point along south Main Street until reaching the intersection of south Main Street and Collen Drive. The boundary limit will continue west from this point along Collen Drive until reaching the intersection of Collen Drive and South Elizabeth Street. The boundary limit will continue west from this point along Collen Drive until reaching the intersection of Collen Drive and Manor Hill Lane. The boundary limit will continue north from this point along Manor Hill Lane until reaching the intersection of Manor Hill Lane and South Finley Road. The boundary limit will continue north from this point along South Finley Road until reaching the intersection of Finley Road and West Edward Street.

Except for such uses or methods in existence before the effective date of this section, the use or attempt to use groundwater from within the specified limits surrounding the property at 1 East Roosevelt Road, Lombard, Illinois 60148, as a potable water supply, by the installation or drilling of wells or by any other method, is hereby prohibited. This prohibition expressly includes the Village of Lombard.

(’70 Code, § 13.24.020) (Ord. 2102, passed 8-25-77; Ord. 4771, passed 3/16/00; Ord. 4771, passed 3/16/00; Ord. 5393, passed 11/20/03; Ord. 5617, passed 4/7/05; Ord. 6667, passed 12/27/11; Ord. No. 7065, § 1, passed 4-16-15; Ord. No. 7079, § 1, passed 5-21-15; Ord. No. 7109, § 1, passed 8-13-15; Ord. No. 7111, § 1, passed 8-13-15)

Cross reference— Penalty, see § 51.99

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE V, CHAPTER 51, SECTION 51.02(E)(1)
OF THE LOMBARD VILLAGE CODE IN REGARD TO WELLS USED FOR
IRRIGATION SYSTEM PURPOSES**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title V, Chapter 51, Section 51.02(E)(1) of the Lombard Village Code is amended as follows:

- A. Subsection (d) thereof is hereby deleted.
- B. Current subsections (e) and (f) thereof are hereby relabeled as subsections (d) and (e), respectively.

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 _____ day of _____, 2021.

First reading waived by action of the Board of Trustees this _____ day of _____, 2021.

Passed on second reading this _____ day of _____, 2021, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2021.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2021.

Sharon Kuderna, Village Clerk