


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

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

**TO:** PRESIDENT AND BOARD OF TRUSTEES  
**FROM:** Scott R. Niehaus, Village Manager  
**DATE:** September 14, 2015 (COW) (B of T) **Date:** September 17, 2015  
**TITLE:** UPDATE of Ordinance § 51.25 - Restrictions on water use; meters and water saving plumbing fixtures  
**SUBMITTED BY:** Brian M. Jack, Utilities Superintendent 

**BACKGROUND/POLICY IMPLICATIONS:**

A recommendation from the Public Works Committee to amend the Village Code Section 51.25 regarding modification to the current Code per the IL Department of Natural Resources New Water Allocation Rules for all Lake Michigan Water Allocatin Permittees.

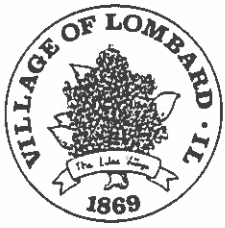
**FISCAL IMPACT/FUNDING SOURCE:**

N/A

Review (as necessary):

Village Attorney X	_____	Date _____
Finance Director X	_____	Date _____
Village Manager X	_____	Date _____

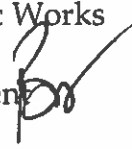
**NOTE:** All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



## MEMORANDUM

**To:** Scott R. Niehaus, Village Manager

**Through:** Carl S. Goldsmith, Director of Public Works

**From:** Brian M. Jack, Utilities Superintendent 

**Date:** September 14, 2015

**Subject:** **UPDATE of Ordinance § 51.25 - Restrictions on water use; meters and water saving plumbing fixtures**

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Please find attached the Public Works Committee Memo, recommendation, and proposed Ordinance language for the modification to Village Code § 51.25 - Restrictions on water use; meters, and water saving plumbing fixtures.

### **Background**

The proposed language was brought to and approved by the Public Works Committee on July 1, 2015. The Board of Building Appeals was also provided the proposed language due to the modification to water saving plumbing fixtures and the Illinois Plumbing Code requirements in which the language was approved at their September 9, 2015 meeting.

After the language was presented to both committees, a slight revision of the language is being recommended after consultation with the Village Attorney as follows:

“(A) So as to comply with the Illinois Department of Natural Resources’ Lake Michigan Water Allocation Rules and Regulations, as amended effective November 18, 2014, and subject to subsection (B) below, relative to the imposition of additional emergency Lake Michigan water use restrictions, commencing from May 15th through September 15th of each year, it shall be unlawful for any person, firm or corporation to use Lake Michigan water for the sprinkling or irrigation of lawns or gardens (hereinafter “Outdoor Watering”) on any day of the week, except between the hours of 7:00 a.m. and 11:00 a.m. or between the hours of 7:00 p.m. and 11:00 p.m. In addition, commencing from May 15th through September 15th of each year, it shall be unlawful for any person, firm or corporation to use Lake Michigan water for Outdoor Watering other than on an odd/even basis (on odd calendar days if the last digit in the street address is odd, or on even calendar days if the last digit in the street address is even). Finally, it shall be unlawful for any person, firm or corporation, using Lake Michigan

water in relation to a property with an odd address, to use Lake Michigan water on both the 31st day of May, July and/or August and on the 1st day of the next month, for Outdoor Watering; the intent being to prohibit the use of Lake Michigan water for Outdoor Watering on consecutive days. New lawns, which are less than three (3) months old, shall be exempt from the foregoing restrictions.”

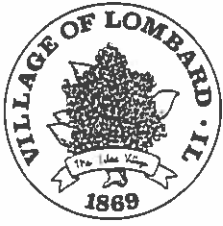
The above language:

- A. Imposes time limitations relative to Outdoor Watering;
- B. Makes the odd/even restriction mandatory, to prevent consecutive day Outdoor Watering;
- C. Addresses consecutive odd days during the restriction period (May 31st/June 1st, July 31st/August 1st, and August 31st/September 1st), to prevent consecutive day Outdoor Watering; and
- D. Provides an exception for new lawns;

so as to cause the Village Code provision to be compliant with 17 Illinois Administrative Code §3730.307(c), as amended.

**Recommendation**


Staff recommends that the Board of Trustees approve this amendment to Village of Lombard Ordinance: § 51.25 - Restrictions on water use; meters and water saving plumbing fixtures. Please submit this recommendation to the Board of Trustees for approval at the September 17, 2015 meeting.



## MEMORANDUM

**To:** Chairperson and Public Works Committee Members

**Through:** Carl S. Goldsmith, Director of Public Works

**From:** Brian M. Jack, Utilities Superintendent 

**Date:** July 1, 2015

**Subject:** **UPDATE of Ordinance § 51.25 - Restrictions on water use; meters and water saving plumbing fixtures**

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### **Background**

The Village receives finished potable water from Lake Michigan via the City of Chicago and the DuPage Water Commission. The Illinois Department of Natural Resources (IDNR) regulates the amount of water each Lake Michigan user consumes based on an average daily flow as part of the Lake Michigan Water Allocation Program. This program was developed to manage Illinois' diversion of water from Lake Michigan in response to a 1967 Supreme Court Decree in order to protect Lake Michigan in regards to water quality and lake levels for ship navigation.

All water allocation permittees are required to perform annual water use audits and submit an annual water audit form (LMO-2) to the IDNR. The annual water audit details the amount of water used, sold, and lost (water main leakage, meter inaccuracies, or unaccounted for flows) by the permittee. The audit allows for a maximum of an 8% loss of water or unaccounted for flow as mandated by the IDNR. This percentage represents the water accounted for via residential, commercial, industrial, and municipal water meters (Village authorized consumption) to unaccounted for flows. Historically, the Village of Lombard has averaged a 6% water loss since 1992.

The Village is also required by the Lake Michigan Water Allocation Rules and Regulations Section 3730.307, to have a language in a Village Ordinance regarding water conservation practices. This section has been amended, became final and effective on November 28, 2104 to modify two provisions regarding water conservation. Thus, the Village of Lombard is now required to amend and update its ordinances. The following is the current ordinance language with the added required language to meet the new Lake Michigan Water Allocation Rules and Regultions. Paragraph (F) will be reviewed by the Board of Building Appeals.

§ 51.25 - Restrictions on water use; meters and water saving plumbing fixtures.

(A) No person shall use water from the water distribution system of the village on consecutive days nor for a six hour period in the middle of the day between 10:00 am and 4:00 pm when evapotranspiration is at its highest for the sprinkling, watering, or irrigation of shrubbery, trees, lawns, grass, ground cover, plants, vines, gardens, flowers, or other vegetation except that persons at odd-numbered street addresses may do so only on odd-numbered dates and persons at even-numbered street addresses may do so only on even-numbered dates and except that persons whose property has been newly sodded or newly seeded may use water from the water distribution system of the village on an unrestricted basis, subject to emergency regulations as defined in subsection (B) of this section, for watering that property for a 30 day period immediately following such sodding or seeding, after which time the restrictions of this section shall apply. All new/replacement irrigation sprinkler systems shall be equipped with a WaterSense labeled irrigation controller and shall be in compliance with Section 2.5(g) of the Illinois Plumbing License Law [225 ILCS 320].

(F) ~~The following~~ Water saving plumbing fixtures shall be required and labeled as a WaterSense product for new and replacement fixtures. Plumbing fixtures shall follow Village of Lombard Code ARTICLE VI. - ILLINOIS STATE PLUMBING CODE; § 150.050 - Adoption by reference; amendments. ~~In all new construction and in all repairs and replacement of fixtures or trim, only fixtures and trim not exceeding the following flow rates or water usage shall be installed (ratings are based on a pressure at the fixture of 40 to 50 pounds per square inch):~~

Water closets, tank type	3.5 gal. per flush
Water closets, flushometer type	3.0 gal. per flush
Urinals, tank type	3.0 gal. per flush
Urinals, flushometer type	3.0 gal. per flush
Shower heads	3.0 gal. per minute
Lavatory, sink faucets	3.0 gal. per minute

Paragraph (4) of Village Enclosed with this memo is the notification from the Illinois Department of Natural Resources stating the requirement and guidelines for this amendment to the Village of Lombard Ordinances.

**Recommendation**

Staff recommends that the Public Works Committee approves this amendment to Village of Lombard Ordinance: § 51.25 - Restrictions on water use; meters and water saving plumbing fixtures. Once approved, staff will present the proposed amendment to the Board of Trustees for adoption at their July 14, 2015 meeting.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE V, CHAPTER 51, ARTICLE III, OF THE LOMBARD VILLAGE CODE IN REGARDS TO RESTRICTIONS ON WATER USE, METERS, AND WATER SAVING PLUMBING FIXTURES**

**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, Article III of the Lombard Village Code is amended in section 51.25 as follows:

§ 51.25 - Restrictions on water use; meters and water saving plumbing fixtures.

(A) **So as to comply with the Illinois Department of Natural Resources' Lake Michigan Water Allocation Rules and Regulations, as amended effective November 18, 2014, and subject to subsection (B) below, relative to the imposition of additional emergency Lake Michigan water use restrictions, commencing from May 15th through September 15th of each year, it shall be unlawful for any person, firm or corporation to use Lake Michigan water for the sprinkling or irrigation of lawns or gardens (hereinafter "Outdoor Watering") on any day of the week, except between the hours of 7:00 a.m. and 11:00 a.m. or between the hours of 7:00 p.m. and 11:00 p.m. In addition, commencing from May 15th through September 15th of each year, it shall be unlawful for any person, firm or corporation to use Lake Michigan water for Outdoor Watering other than on an odd/even basis (on odd calendar days if the last digit in the street address is odd, or on even calendar days if the last digit in the street address is even). Finally, it shall be unlawful for any person, firm or corporation, using Lake Michigan water in relation to a property with an odd address, to use Lake Michigan water on both the 31st day of May, July and/or August and on the 1st day of the next month, for Outdoor Watering; the intent being to prohibit the use of Lake Michigan water for Outdoor Watering on consecutive days. New lawns, which are less than three (3) months old, shall be exempt from the foregoing restrictions. No person shall use water from the water distribution system of the village for the sprinkling, watering, or irrigation of shrubbery, trees, lawns, grass, ground cover, plants, vines, gardens, flowers, or other vegetation except that persons at odd-numbered street addresses may do so only on odd-numbered dates and persons at even-numbered street addresses may do so only on even-numbered dates and except that persons whose property has been newly sodded or newly seeded may use water from the water distribution system of the village on an unrestricted basis, subject to emergency regulations as defined in subsection (B) of this section, for watering that property for a 30 day period immediately following such sodding or seeding, after which time the restrictions of this section shall apply.**

(B) The Village Manager is authorized during an emergency to adopt and enforce any administrative regulations necessary to preserve and protect the water supply and distribution system of the village. An emergency is defined as any situation wherein there is a substantiated prospective or actual inability, for whatever reason, to provide adequate potable water to all water customers in volumes customarily used. A copy of any such administrative regulation promulgated by the Village Manager shall be served upon the President and Board of Trustees within 24 hours of its adoption. The Board of Trustees may amend such administrative regulation at any regular or special meeting.

(C) It shall be unlawful for any person or persons to open a fire hydrant except for the below listed reasons:

- (1) The hydrant is opened for the purpose of extinguishing a fire; or
- (2) The fire hydrant is open by authorized village personnel; or

(3) The fire hydrant is opened by any person authorized by the Fire Chief, the Fire Chief's designee, the Public Works Director or the Public Work's Director's designee and only upon the following conditions:

- (a) Such person must first deposit the sum of \$500.00 for a five-eighths inch or three-fourths inch meter or the sum of \$2,000.00 for a two inch meter.
- (b) Such person is responsible for the security of the water meter and operation of the fire hydrant and has signed an agreement attesting to such, including but not limited to agreeing to follow any rules and regulations as set up by the village staff for the management and use of the fire hydrants;
- (c) Such person shall pay rental fees as defined in subsection (l) for the hydrant meter and may rent a meter for a maximum period of 90 calendar days at which time the meter may be renewed.
- (d) Upon completion of use of the hydrant meter or upon reading by village personnel of that hydrant meter pursuant to any rules and regulations as adopted pursuant to subsection (C)(3), the actual water consumption will be computed and billed at the full regular water rate charged then current for the village and one-half of the regular sewerage rate per 1000 gallons of water used.
- (e) Any unpaid charges or damages to the hydrant meter, hydrant wrench, or fire hydrant will be deducted from the deposit.
- (f) The village staff shall adopt rules and regulations as appropriate for the management, use, and maintenance of fire hydrants and hydrant meters by authorized persons.

(D) All water consumers supplied by the combined waterworks and sewage system of the village shall be supplied water through water meters only. Such meters shall be as required by the village, and shall be kept in proper operating condition at all times, and it shall be unlawful to tamper with such water meters or damage the same in any manner. In the event any present water consumers do not have water meters, the same must be installed, and the failure to do so will result in such water service being discontinued in the manner provided by law.

(E) No person, firm, or corporation, whether municipal, private, or not for profit, shall use potable water to flush any sanitary sewers within the village unless such flushing is performed through use of a high velocity type sewer jet.

(F) ~~The following~~ Water saving plumbing fixtures shall be required and labeled as a WaterSense product for new and replacement fixtures. Plumbing fixtures shall follow Village of Lombard Code ARTICLE VI. – ILLINOIS STATE PLUMBING CODE; § 150.050 - Adoption by reference; amendments. ~~In all new construction and in all repairs and replacement of fixtures or trim, only fixtures and trim not exceeding the following flow rates or water usage shall be installed (ratings are based on a pressure at the fixture of 40 to 50 pounds per square inch):~~

Water closets, tank type	3.5 gal. per flush
Water closets, flushometer type	3.0 gal. per flush
Urinals, tank type	3.0 gal. per flush
Urinals, flushometer type	3.0 gal. per flush
Shower heads	3.0 gal. per minute
Lavatory, sink faucets	3.0 gal. per minute

(G) In addition to the requirements in subsection (F) above, in all new construction and in all repairs or replacement of fixtures in lavatories intended for public use, the faucets of such lavatories located in rest rooms intended for public use shall be of metering or self-closing type.

(H) In all new construction or replacement of fixtures in car wash facilities, car wash installations shall be equipped with a water recycling system or other water conservation system as approved by the Director of Public Works.

(I) The following deposit and rental fees shall be collected for the use of meters.

<b>(1) Five-eighths inch and three-fourths inch meter with backflow device.</b>		
(a)	Initial administration fee:	\$40
(b)	Maximum time rented:	90 calendar days
(c)	Deposit:	\$500
(d)	Meter rental	\$3 per day
(e)	Water fee:	Based upon current village rate per 1,000 gallons, plus one-half of sewerage rate per 1,000 gallons. All readings shall be rounded to the next 1,000 gallons.
(f)	Renewal fee:	\$10
<b>(2) Two inch meter with backflow device.</b>		
(a)	Initial administration fee:	\$40
(b)	Maximum time rented:	90 calendar days
(c)	Deposit:	\$2,000
(d)	Meter rental	\$5 per day
(e)	Water fee:	Based upon current village rate per 1,000 gallons, plus one-half of sewerage rate per 1,000 gallons. All readings shall be rounded to the next 1,000 gallons.
(f)	Renewal fee:	\$10

(J) No person shall make a connection, tamper with, or illegally turn on water from the water distribution system of the village without having previously received express written approval from the appropriate village official authorizing said water usage or water connection.

(70 Code, § 13.32.010) (Ord. 2089, passed 7-28-77; Am. Ord. 2349, passed 12-13-79; Am. Ord. 2839, passed 4-10-86; Am. Ord. 2966, passed 7-9-87; Ord. 5257, passed 3/6/03)

**Cross reference—** Penalty, see § 51.99



Ordinance No. \_\_\_\_\_

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

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015,

pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ADSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Keith Giagnorio  
Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna  
Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Sharon Kuderna  
Village Clerk