

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

 X Resolution or Ordinance (Blue) _____ *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: February 24, 2015 (B of T) Date: March 5, 2015

TITLE: Amendments to Section 97.005 of Village Code

SUBMITTED BY: Department of Community Development *WJ*

BACKGROUND/POLICY IMPLICATIONS:

The Community Development and Public Works Departments transmits for your consideration an Ordinance granting approval of amendments to Title 4, Chapter 97, Section 97.005 of Lombard Village Code. (DISTRICTS - ALL)

The Economic and Community Development Committee and the Public Works Committee both unanimously recommended approval of the ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WA*
Carl Goldsmith, Public Works Director *CG*

DATE: March 5, 2015

SUBJECT: Amendments to Section 97.005 of Village Code

Attached for Village Board consideration as part of the March 5, 2015 Board meeting is an Ordinance granting approval of amendments to Title 4, Chapter 97, Section 97.005 of Lombard Village Code pertaining to the placement of dumpsters within the public right-of-way.

As the Village does not have any regulations on this matter currently, dumpsters would be prohibited in the public right-of-way. The Community Development and Public Works Departments are proposing that dumpsters be allowed in the public right-of-way for very specific circumstances in order to accommodate space constraints when remodeling downtown buildings. Some downtown properties do not have adequate space on private property for a dumpster. In the past, dumpsters have been placed on the public right-of-way for extended periods of time and without proper safety protocols.

Staff researched and analyzed dumpster regulations from numerous communities with similar conditions in their downtowns. The proposed regulations are business and development friendly to accommodate downtown renovations as it may reduce the labor cost of demolition. The regulations also provide direction to staff on how to review such requests.

As proposed, dumpster placement in the public right-of-way shall only be permissible through a permit process and when placed within demarcated parking spaces along:

- St. Charles Road, between Lincoln Avenue and Martha Street;
- Park Avenue, between Orchard Terrace and Michael McGuire Drive; and
- Main Street, between Grove Avenue and St. Charles Road.

The Village anticipates most dumpsters will be requested with a building permit and no additional fee will be charged if the dumpster is removed prior to final inspection. A certificate of insurance will be required. If the dumpster is not removed prior to final inspection or not requested with a building permit a \$68.00 fee will be charged tied to an inspection.

ACTION REQUESTED

The Economic and Community Development Committee and the Public Works Committee both unanimously recommended approval of the ordinance. Please place this petition on the March 5, 2015 Board of Trustees agenda for approval.

ORDINANCE _____

**AN ORDINANCE APPROVING AN AMENDMENT
TO TITLE IX, CHAPTER 97, SECTION 97.005 OF THE
LOMBARD VILLAGE CODE IN REGARD TO ITEMS IN
THE VILLAGE RIGHT-OF-WAY (DUMPSTERS)**

WHEREAS, the Village of Lombard (the “Village”) maintains General Regulations which is found in Title IX, Chapter 97 of the Lombard Village Code; and,

WHEREAS, the President and Board of Trustees of the Village (the “Corporate Authorities”) deem it reasonable to periodically review said General Regulations and make necessary changes; and,

WHEREAS, public meetings to consider text amendments to the General Regulations were conducted by the Village’s Public Works Committee on January 13, 2015 and February 10, 2015, and by the Village’s Economic and Community Development Committee on January 21, 2015; and,

WHEREAS, the Public Works Committee and the Economic and Community Development Committee have filed their recommendations with the Corporate Authorities recommending approval of the text amendments set forth below; and,

WHEREAS, the Corporate Authorities approve and adopt the findings and recommendations of the Public Works Committee and the Economic and Community Development Committee, and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

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 97, Section 97.005 of the Lombard Village Code is hereby amended by adding a new subsection (D) thereto, which shall read in its entirety as follows:

- (D) One dumpster per property/business may be allowed in the public right-of way within the B5 Central Business District, on a temporary basis, with the prior written approval from the Director of Community Development, or his or her designee. The Director of Community Development, or his or her designee, shall be the sole authority to determine whether a permit should be issued to allow a dumpster to be temporarily placed in the public right-of-way, provided the applicant therefor:
- (1) Demonstrates that the dumpster cannot be reasonably accommodated on private property;
 - (2) Places the dumpster in the public right-of-way only on specific dates, which shall not interfere with scheduled special events;

- (3) Is responsible for all damages and liability due to placement of the dumpster in the public right-of-way;
- (4) Places the dumpster only in a demarcated parking space, other than a parking space reserved for persons with disabilities, on St. Charles Road, between Lincoln Avenue and Martha Street; on Park Avenue, between Grove Street and Michael McGuire Drive; or on Main Street, between Grove Street and St. Charles Road;
- (5) Places the dumpster as close to the applicants building as possible, but at least ten (10) feet from any building, fifteen (15) feet from any fire hydrant, and thirty (30) feet from any crosswalk or traffic sign or signal;
- (6) Places and maintains barricades, with working flashers, at the corners of the dumpster, and cover the dumpster with a tarpaulin when no work requiring the use of the dumpster is taking place;
- (7) Is responsible for all fly dumping that may occur in and next to the dumpster;
- (8) Removes the dumpster within six (6) hours of notice to do so from the Chief of Police or the Director of Public Works pursuant to Section §97.001 of the Village Code;
- (9) Uses a dumpster with a maximum size of twenty (20) cubic yards;
- (10) Pays a dumpster placement fee, in the amount of one hundred and no/100 dollars (\$100.00), unless the use of the dumpster is associated with work being performed under an active building permit, wherein these fees shall not apply; however, an inspection fee in the amount of sixty-eight and no/100 dollars (\$68.00) will be assessed at the time of any scheduled inspection for dumpsters that were allowed with work being performed under an active building permit;
- (11) Provides a certificate of insurance in the following amount: Comprehensive General Liability Insurance—\$1,000,000.00, showing the Village, and its officers, employees, agents, and volunteers as additional insureds, and containing a statement that said policy shall not be changed or canceled without 30 days written notice to the Village; and
- (12) Removes the dumpster from the public right-of-way on Saturdays and Sundays.

Notice of a violation of the provisions of this subsection, including the placement of dumpsters outside of the designated area, shall be issued in the form of a compliance ticket. Failure to comply with the terms of that notice shall result in a charge of ordinance violation(s), which upon conviction will result in a penalty of not less than \$50.00 nor more than \$750.00 for each day on which the violation occurs or continues to occur, and the revocation of the permission for placement of the dumpster in the public right-of-way. The Chief of Police or Fire Chief of the Village, upon determining that the method or manner of use of the dumpster poses a threat to the public health, safety, or welfare, shall have the power and authority to cause the dumpster to be removed from the right-of-way immediately and to revoke the permit issued therefor.

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 _____, 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: _____

Absent: _____

Approved by me this ____ day of _____, 2015.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published in pamphlet from this ____ day of _____, 2015.

Sharon Kuderna, Village Clerk