

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: David A. Hulseberg, Village Manager *dash*

DATE: February 23, 2010 (B of T) Date: March 4, 2010

TITLE: Title 9, Chapter 94 of the Lombard Code

SUBMITTED BY: Department of Community Development *WLD*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance amending Title 9, Chapter 94 of the Lombard Code in regard to nuisance regulations for the outdoor storage of firewood on private residential property.

Staff recommends approval of the proposed amendments.

Please place this item on the March 4, 2010 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X *[Signature]*

Date _____
Date _____
Date _____

2-24-10

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: David A. Hulseberg, Village Manager

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

DATE: March 4, 2010

SUBJECT: Amendments to the Nuisance Ordinance Provisions – Firewood

Attached for Village Board consideration is a draft ordinance establishing provisions and restrictions for storing firewood on residential properties within the Nuisance Code provisions.

BACKGROUND

Currently, the Village of Lombard does not direct provisions regulating the amount of firewood that can be stored on a residential property. Past interpretations have restricted or minimized firewood storage within requisite yards or has limited external impacts of firewood. Other code provisions limit home occupation and related business activities or address life safety issues.

Based upon past inquiries, the excessive storage of firewood can be deemed inconsistent with the character of residential neighborhoods. Such expressed concerns include constant chainsaw noise for wood cutting, delivery and pick-up activities and visual impact. However, while such activities may be linked to business activity, identifying and enforcing home occupations on such properties can be elusive. As such, based upon these concerns, staff is pursuing an alternate approach to regulate firewood storage activities.

The proposed regulations are intended to be placed within Chapter 94: Nuisance provisions. The proposed amendments are intended to provide for a reasonable amount of firewood (one full-cord or less) on a residential property (for reference purposes, one cord of firewood equals a firewood stack of 4 feet in height, 8 feet in width and 4 feet in depth; or 128 cubic feet). Firewood is frequently sold in full-cord, half-cord and face-cord (generally 4' x 8' x 1') sizes and the one-cord would provide for traditional firewood usage (recreational or heating) but not for non-residential uses. Such restrictions also help ensure that the firewood would be more closely associated with the principal residential use of the property.

RECOMMENDATION

Attached is an ordinance amending Chapter 94: Nuisance provisions to establish regulations to minimize the total amount of firewood on a residential property to no more than one full-cord in size, with companion height and area restrictions. Staff recommends approval of the amendment.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9, CHAPTER 94 OF THE LOMBARD CODE
IN REGARD TO NUISANCE REGULATIONS

(Outdoor Firewood Storage on Private Residential Property)

WHEREAS, the Village of Lombard has established and maintains nuisance regulations, which are found in Title 9, Chapter 94 of the Lombard Village Code; and,

WHEREAS, the Village finds that Sections 94.04(O) of the Lombard Village Code should be amended to establish regulations limiting the amount of firewood that can be stored upon a residential property; and

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Code to ensure that the regulations adequately meet the health, safety, morals 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 9, Chapter 94, Section 94.04(O) is hereby added to read in its entirety as follows:

- (O) The storage of firewood on a residential property:
 - 1) in an amount exceeding one-hundred twenty eight (128) cubic feet, also known as one full-cord;
 - 2) to a height greater than four (4) feet from grade;
 - 3) greater than eight (8) feet in width; or
 - 4) infested with vermin or rodents.

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 _____, 2010.

First reading waived by action of the Board of Trustees this _____ day of _____, 2010.

Passed on second reading this _____ day of _____, 2010.

Ordinance No. _____
Page 2

Ayes: _____
Nays: _____
Absent: _____

Approved this _____ day of _____, 2010.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2010.

Brigitte O'Brien, Village Clerk