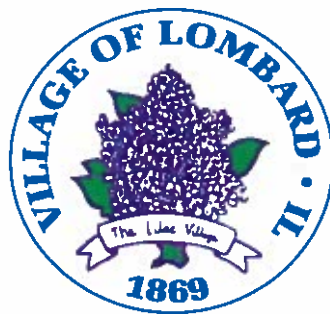


**ORDINANCE 7156
PAMPHLET**

**ORDINANCE AMENDMENT TO CHAPTER 151 OF THE VILLAGE CODE –
LIEN PROVISIONS FOR STORMWATER VARIANCES**



PUBLISHED IN PAMPHLET FORM THIS 4th DAY OF DECEMBER, 2015, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.

Sharon Kuderna

Sharon Kuderna
Village Clerk

ORDINANCE NO. 7156

**AN ORDINANCE
AMENDING TITLE XV, CHAPTER 151, SECTION 151.57
OF THE LOMBARD VILLAGE CODE IN REGARD TO
THE DETENTION VARIANCE FEE PROGRAM**

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

SECTION 1: That Title XV, Chapter 151, Section 151.57(A) of the Lombard Village Code is amended to read in its entirety as follows:

“(A) In all cases where a variation from the site runoff storage requirements of § 151.55 of this Code is granted, it shall be a condition of said variation that:

- (1) if the variation is intended to be permanent, the payment of the applicable detention variance fee, as provided by subsection (C) below, shall be made prior to the issuance of a stormwater management permit; or
- (2) if the variation is intended to be temporary, a lien, as provided for in subsection (J) below, in the amount of the applicable detention variance fee, as provided by subsection (C) below, shall be recorded prior to the issuance of a stormwater management permit.”

SECTION 2: That Title XV, Chapter 151, Section 151.57 of the Lombard Village Code is amended by adding a new subsection (J) thereto, which shall read in its entirety as follows:

“(J) In the case of a variation from the site runoff storage requirements of § 151.55 of this Code, in which the variation is intended to be only temporary, in that the structure being constructed on the property is intended to only be temporary, a lien in lieu of the applicable detention variance fee may be recorded, in a form prepared by the Village, as a substitute for the payment of the applicable detention variance fee, as provided by subsection (C) above, provided that the following terms and conditions shall apply to said lien in lieu of the applicable detention variance fee:

- (1) The lien shall be in the amount of the applicable detention variance fee, as provided by subsection (C) above.

- (2) The lien shall provide as follows:
- a. That, upon the payment of the applicable detention variance fee, the removal of the structure necessitating the variation, or the providing of the required site runoff storage requirements for the property, the lien will be released.
 - b. That, in the event that the property owner fails to remove the structure necessitating the variation, so as to eliminate the need for the variation, or fails to provide the site runoff storage requirements for the property, by a date certain in the future, the amount of the lien shall be due and payable to the Village, and no further building or other permits will be issued relative to said property, or in relation to any other property served by the structure on the property, until the amount of the lien is paid.
 - c. That a sale of the property shall require the payment of the amount of the lien, the removal of the structure necessitating the variation or the provision of the required site runoff storage requirements for the property, before any building or other permits are issued by the Village relative to the property.
- (3) The lien shall be executed by both the property owner and the Village, and recorded with the DuPage County Recorder of Deeds, with the property owner paying the cost of the preparation of the lien and the recording thereof, prior to the issuance of any permits by the Village relative to the construction of the structure necessitating the variation.

Said lien in lieu of the applicable detention variance fee shall not be permitted in relation to those situations in which the DuPage County Stormwater and Floodplain Development Ordinance would not allow for the use thereof."

SECTION 3: 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 3rd day of December, 2015.

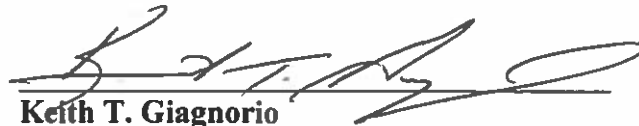
Passed on second reading this 3rd day of December, 2015.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: None

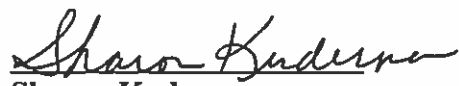
Approved this 3rd day of December, 2015.


Keith T. Giagnorio
Village President

ATTEST:


Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 4th day of December, 2015.


Sharon Kuderna
Village Clerk