

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)

X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: May 30, 2007 (B of T) Date: June 7, 2007

TITLE: Code Amendment Regarding Stormwater Discharges

SUBMITTED BY: David Gorman, Asst. Director of Public Works *DDG*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Public Works transmits for your consideration a recommendation for approval from the Public Works Committee regarding the above-referenced ordinance.

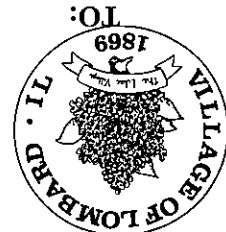
Fiscal Impact/Funding Source:

There will be no fiscal impact to the Village and no funding is required.

Review (as necessary):

Village Attorney X	_____	(Reviewed on 2/15/07)
Finance Director X	_____	Date
Village Manager X	<i>W. T. Lichter</i>	Date <i>5/30/07</i>

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: William T. Lichter, Village Manager

THROUGH: Wesley B. Anderson, Director of Public Works
[Signature]

FROM: David P. Gorman, Asst. Director of Public Works
[Signature]

SUBJECT: Draft Code Amendment Regarding Sump Pump Discharges

DATE: May 30, 2007

Please present the attached proposed ordinance amendment to the Board of Trustees at their June 7, 2007 meeting. The amendment would expand the Village's ability to regulate all sump pump discharges, regardless of the age of the house and whether it affects the public right-of-way, as explained below.

PERCEIVED PROBLEMS AND PROPOSED CODE AMENDMENT:
Village Code §50.027 is currently deficient in the following ways:

- (1) There is no sump pump requirement for buildings built before 1986. After 1/1/86, sump pumps are to connect to a separated storm sewer wherever possible. After 9/1/96, sump pumps are to discharge within 15 feet of the building. However, all sump pump discharges, regardless of the age of the building, are often the cause of problems for neighboring properties and the public right-of-way. This amendment would allow the Village to direct the manner in which all sump pumps shall discharge, in order to lessen impacts between neighboring properties as well as the public right-of-way.

- (2) The Code currently splits authority between the Directors of Public Works and Community Development. The proposed amendment would give all authority over downspouts and sump pumps to the Director of Community Development since that position is responsible for issuing building permits and investigating private property drainage concerns. The Director of Community Development will coordinate with the Director of Public Works before authorizing any pumping system for a depressional area toward a combined sewer.

RECENT CODE ENFORCEMENT EXAMPLE:

The Code Enforcement officers received a complaint that a neighbor's sump pump hose had been extended into their front yard and this had caused the complainant's entire front yard to flood and some ice to form on the road. The house is older than 1986. Therefore, the only action that the Village could enforce was to place salt on the road at the owner's expense per the Nuisance Code §94.04(M). The Village did request that they divert the pump to the backyard but this unenforceable since it is not a legal requirement.

RECOMMENDATION:

The Village Attorney has drafted the proposed Code amendment to apply to all sump pumps, subject to a 180-day notice period. Staff and the Public Works Committee recommend that the Board of Trustees approve the amendment.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTION 50.027 OF THE LOMBARD VILLAGE CODE REGARDING SUMP PUMP DISCHARGES

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 5, Chapter 50, Section 50.027 of the Code of Lombard is amended to read in its entirety as follows:

§ 50.027 SUMP PUMP, DOWNSPOUT AND OTHER STORMWATER DISCHARGES

(A) For all habitable structures and business structures constructed after January 1, 1986, all building subsoil drain sump pump pipes that discharge outside of a building shall be connected to the separated storm sewer system wherever there is a separated storm sewer reasonably available for such connection as determined by the Director of Community Development.

(B) For all habitable structures and business structures, if a separated storm sewer is not reasonably available, all subsoil drain sump pump pipes that discharge outside of a building shall discharge:

- (1) on a grassed or landscaped area on the same property as the structure;
- (2) within fifteen (15) feet of the structure;
- (3) away from adjacent properties; and
- (4) in a manner so as to not cause a nuisance in the public right-of-way or to adjacent properties or in a manner as otherwise approved by the Director of Community Development.

(C) For all habitable structures and business structures, all downspouts shall discharge:

- (1) on a grassed or landscaped area on the same property as the structure; and
- (2) within fifteen (15) feet of the structure;
- (3) away from the adjacent properties; and
- (4) in a manner so as to not cause a nuisance in the public right-of-way or to adjacent properties or in a manner as otherwise approved by the Director of Community Development.

(D) Where a downspout or subsoil drain sump pump discharge pipe discharges above the grade level at the point of discharge, said discharge shall be onto splash blocks.

(E) Notwithstanding the requirements of 50.026, any person, but only one person from the area tributary to the common depressional storage area, may pump stormwater run-off from a common depressional storage area on private property toward a combined sewer subject to the following restrictions:

- (1) pumping may not commence or continue during a rainfall event;
- (2) pumping may not commence until seventy-two (72) hours after a rainfall event or until the Lombard Combined Sewage Treatment Facility has stopped discharging effluent to the East Branch of the DuPage River, whichever is longer;

(3) the discharge point must be within fifteen (15) feet of the building structure, and in a manner so as to not cause a nuisance in the public right-of-way, or at the discretion of the Director of Community Development; and

(4) no pumping rate can exceed 250 gallons per minute.

Notwithstanding the foregoing, pumping as described in this subsection (E) will be prohibited if combined sewer surcharges are induced from such pumping. In addition, the Village of Lombard reserves the right to further restrict the approved pumping rate in individual situations where it has been determined that the maximum rate will result in surcharging, sewer overflows, adverse health or environmental problems.

(F) In the event that any downspout(s) and/or subsoil drain sump pump discharge pipe(s) is/are found to not be in compliance with this Section, the owner of the property on which said downspout(s) and/or subsoil drain sump pump discharge pipe(s) is/are located shall, within one hundred eighty (180) days of receipt of a notice from the Village, advising said property owner of the noncompliance, bring said downspout(s) and/or subsoil drain sump pump discharge pipe(s) into compliance with this Section. Said one hundred eighty (180) day period may be shortened by the Director of Community Development, in the event the non-compliance with this Section presents an imminent threat to the health, safety and/or welfare of any person, or an imminent threat to the integrity of any building or structure, to such period of time as deemed reasonable to protect said person, building or structure.

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 _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.
Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Naves: _____

Absent: _____

Approved by me this _____, day of _____, 2007.

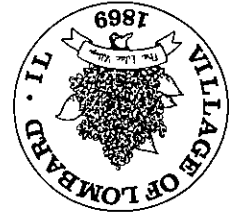
William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____, day of _____, 2007.

Brigitte O'Brien, Village Clerk



MEMO TO

Lombard Village President
And Board of Trustees

FROM

William T. Lichter
Village Manager

DATE

June 5, 2007

SUBJECT

Code Amendment Regarding Stormwater Discharges

Trustee Soderstrom has brought to my attention that the ordinance for Consent Agenda item VIII-G regarding the Code Amendment for Stormwater Discharges was inadvertently not included with the item. I am forwarding a copy of the agenda item for your information.

Should you have any questions, please contact me.

/cb

Attachment