

LEGISTAR: 190410  
DISTRICT #: ALL

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

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

**TO:** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** Scott Niehaus, Village Manager

**DATE :** September 18, 2019 (BOT) Date: October 17, 2019

**SUBJECT:** Ordinance Amending Sections of the Lombard Village Code

**SUBMITTED BY:** Carl S. Goldsmith, Director of Public Works *g*

**BACKGROUND/POLICY IMPLICATIONS:**

The Department of Public Works transmits for your consideration a proposed ordinance to amended Section 50.999. Section 50.999 provides for the imposition of penalties for violations of the Village Code relative to the use of the Village’s water and sewer systems.

**Fiscal Impact/Funding Source:**

Review (as necessary):  
Finance Director \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager \_\_\_\_\_ 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.



September 18, 2019

TO: Village President and Board of Trustees

THROUGH: Scott Niehaus, Village Manager

FROM: Carl S. Goldsmith, Director of Public Works *CSG*

SUBJECT: Ordinance Amending Section 50.999 of the Lombard Village Code

Section 50.999 of the Village Code provides for the imposition of fines for violations of the Village Code relative to the water and sewer systems. The Code is being amended to impose a higher fine for non-compliance with the provisions of the Industrial Pretreatment Ordinance. Fines for violations of the Pretreatment Ordinance are subject to levels established by the Environmental Protection Agency, which carry a higher limit than a violation under the Village of Lombard Code.

**Recommendation:**

The Public Works Department recommends that the Board of Trustees adopt AN ORDINANCE AMENDING TITLE 5, CHAPTER 50, SECTION 50.999 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE PENALTIES FOR VIOLATIONS OF CHAPTER 50 OF THE LOMBARD VILLAGE CODE, RELATIVE TO THE VILLAGE'S COMBINED WATER AND SEWER SYSTEM.

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

**AN ORDINANCE AMENDING  
TITLE 5, CHAPTER 50, SECTION 50.999 OF  
THE LOMBARD VILLAGE CODE IN REGARD TO THE PENALTIES  
FOR VIOLATIONS OF CHAPTER 50 OF THE LOMBARD VILLAGE CODE,  
RELATIVE TO THE VILLAGE'S COMBINED WATER AND SEWER SYSTEM**

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

**SECTION 1:** That Title 5, Chapter 50, Section 50.999 of the Lombard Village Code is hereby amended to read in its entirety as set forth on Exhibit A attached hereto and made part hereof.

**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 \_\_\_\_\_, 2019.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2019.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2019, pursuant to a roll call vote as follows:

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

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

ABSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

**ATTEST:**

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

Published by me in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

## **Exhibit A**

### **§ 50.999 - Penalty.**

Any user who is found to have violated an order of the Director or who has failed to comply with any provision of this Chapter and the orders, rules, and regulations herein, shall be subject to a local fine of not less than \$100.00 nor more than \$750.00. Pursuant to the requirements of, and authority granted by, 40 CFR 403.8(f)(1)(vi)(A) and 35 Ill. Adm. Code 310.510(a)(6)(A), all POTWs shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements, and all POTWs shall have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements. As such, any Industrial User who has been found to have violated any of the wastewater Pretreatment Standards and Requirements, as set forth in Sections 50.040, 50.055, 50.056, 50.057 or 50.058 of this Code, shall be fined \$1,000.00 for each violation. Each day on which any such violation shall occur, shall be deemed a separate violation, and a separate violation shall be deemed to have occurred for each constituent which has limitations listed in § 50.040 found to exceed the limits established in this Chapter during any such day. In addition to the penalties provided herein, the Village may recover reasonable attorney's fees, court costs, court reporter fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this Chapter or the orders, rules, regulations, and permits issued hereunder.