

ORDINANCE NO. 06-038

DATE: May 30, 2006

AN ORDINANCE IMPLEMENTING WATER CONSERVATION MEASURES
IN THE VILLAGE OF HOMER GLEN

WHEREAS, the Village Board recognizes the critical importance of the maintenance and conservation of local water resources; and

WHEREAS, drought conditions in 2005 as well as moderated drought conditions which continue to exist due to the large deficit in normal precipitation amounts have impacted local water resources; and

WHEREAS, the Village Board believes it to be in the best interest of the Village to implement conservation initiatives and measures to help prevent excessive uses and demands on local water resources which constitute the Village's potable water supply.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS, THAT:

Section 1: Recitals – The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: Definitions – The following words and phrases when used in this Ordinance shall for the purpose of this Ordinance have the following meanings:

- a. Drip-Irrigation System: A soaking hose that when in use does not result in an actual dissipation of water.
- b. Drip-Line: Pertaining to a tree or shrub, the ground area immediately beneath the branches of the tree or shrub.
- c. Landscape/Landscaping: Gardens, lawns, trees, shrubs, and other living plants, excluding new Sod and Seed Turf Lawns.
- d. Person: Any individual, firm, partnership, association, corporation, company, organization, or entity of any kind.
- e. Sod and/or Seeded Turf Lawns: Areas of mowed or cultivated grass species, including but not limited to rye grass, fescue, bentgrass, Bermuda, and/or zoysiagrass, exceeding 100 square feet in area.
- f. Village: The Village of Homer Glen.
- g. Water: The water provided by and obtained by a person from a water supply system operated by the Village or any third person.

h. Water Distribution System: A water supply distribution system operated by the Village or a third person which provides potable water service through water lines and mains within the Village of Homer Glen.

Section 3: Application –

a. The provisions of this Article shall apply to all persons using water, and to all properties within the Village which are connected to a Water Distribution System.

b. The provisions of this Ordinance shall apply annually from May 15th through September 15th, subject to modifications hereof by an Emergency Proclamation.

Section 4: Restricted Days for Specified Water Uses –

a. Except as may be otherwise imposed in the event of an Emergency Proclamation, there shall be no restrictions as to days when water from a Water Distribution System may be used for the following:

i. Landscape watering or sprinkling where such watering or sprinkling is done by a person using a handheld watering device;

ii. The automatic watering of trees and shrubs by means of automatic root feed or drip-irrigation within the drip line of the tree or shrub;

iii. Vehicle and equipment washing; or

iv. Any other lawful use of water from the water distribution system such as bathing, clothes washing, and other normal household uses not otherwise specifically restricted by the provisions of this Ordinance.

b. Water from a Water Distribution System may only be used for the watering or sprinkling of gardens, lawns (except sod and seeded turf lawns planted or installed in the then current year as hereinafter provided), shrubs and other outdoor plants (collectively “landscape”), as follows:

i. All properties with even numbered street numbers (i.e., numbers ending in 0, 2, 4, 6, 8) may use water system distributed water for landscape watering on even numbered calendar dates.

ii. All properties with odd numbered street numbers (i.e., numbers ending in 1, 3, 5, 7, 9) may use water system distributed water for landscape watering on odd numbered calendar dates.

c. Restrictions for Sod Laying and Lawn Seeding for New Lawns – Notwithstanding the restrictions set forth in Section 4b of this Ordinance, water from the Water Distribution System may be used for establishment of sod and/or seeded turf lawns planted in the then current year for a period of forty-five (45) days after the sod is laid or the seed is planted.

Section 5: Waste of Water – No person shall allow a continuous stream of water to run off into any gutter, ditch, drain, or street inlet while using water for restricted purposes during the Permitted Hours of Water Use.

Section 6: Exceptions – The provisions of this Ordinance shall not apply to any commercial or industrial entity for which use of water is necessary to continue normal business operations, or to maintain stock or inventory, provided, however, this exception shall not apply to any uses of water not essential to normal business operations or the maintenance of inventory or stock or landscape watering.

Section 7: Emergency Proclamation – Whenever the water supply of the Village is diminished from any cause, including, but not limited to, prolonged dry period, increased water demand, equipment failure, or water quality concerns, to an amount which in the opinion of the Village Manager is or is likely to become dangerous to the health and safety of the public, the Village President, Village Manager or his designee is hereby authorized and empowered to issue an Emergency Proclamation in the form of a notice containing other additional regulations or restrictions on the use of water from the water distribution system. Upon issuing such Proclamation, the Village President, Village Manager or his designee shall make the contents thereof known to the public by news release to the local newspapers and radio media and may also notify the citizens in any other practical manner that shall be devised. Further, the Village President, Village Manager or his designee shall immediately notify all members of the Village Board of the nature of the emergency and the regulations that have been imposed. The Emergency Proclamation of the Village President, Village Manager or his designee and the regulations imposed thereby, shall remain in full force and effect until the Village President, Village Manager or his designee determines that the emergency no longer exists or until the Village Board modifies, repeals or makes permanent the Emergency Proclamation, and the regulations imposed thereby, by means of ordinance passed at any regular or special meeting of the Village Board.

Section 8: Penalties/Enforcement – In addition to any other remedies available to the Village, any person found to have violated any of the provisions of this Ordinance shall, upon conviction thereof, be fined in an amount of not more than One Hundred Fifty Dollars (\$150.00) for a first offense, and not less than Two Hundred Fifty Dollars (\$250.00) and not more than Seven Hundred Fifty Dollars (\$750.00) for each subsequent offense. A separate violation of this Ordinance shall be deemed to have been committed on each day during which a violation occurs or is permitted to continue. The Village shall have the right to file legal action to enjoin activities which are in violation of the provisions of this Ordinance.

Section 9: Severability - The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 10: Repealer - All ordinances or portions of ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 11: Effective Date - This Ordinance shall be in full force and effect from and after its passage and approval.