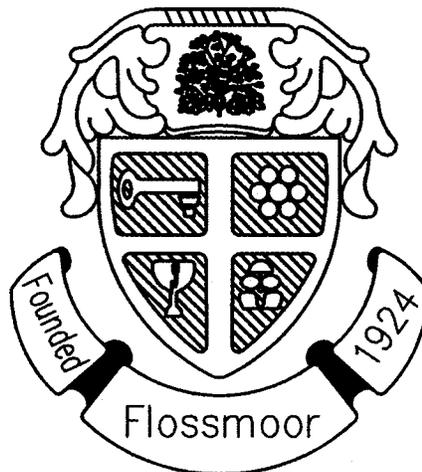


VILLAGE OF FLOSSMOOR

Stormwater Management Ordinance



An American Hometown for Tomorrow's World

*November 20, 1990
(Revised October 16, 2000)
(Revised June 30, 2008)
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ORDINANCE NO. 1635

AN ORDINANCE ENACTING THE VILLAGE OF FLOSSMOOR STORMWATER MANAGEMENT ORDINANCE PROVIDING FOR REGULATING INSTALLATIONS AND IMPROVEMENTS WITHIN WATER COURSES; REQUIRING PERMITS, PAYMENT OF FEES AND ASSURANCES OF COMPLETIONS; AND PROVIDING FOR INSPECTIONS AND CONTROL OF WORK.

Be it ordained by the Mayor and Board of Trustees of the Village of Flossmoor, Illinois, as follows:

Section 1. "An Ordinance Adopting Soil Erosion Control Regulations" (Ordinance No. 631, dated September 19, 1977, and as amended), "Flood Damage Prevention Ordinance for the Village of Flossmoor, Illinois" (Ordinance No. 694, dated November 3, 1980, and as amended), and the "Village of Flossmoor Floodplain and Stormwater Management Code" (Ordinance No. 1351, dated November 20, 1990, and as amended) are hereby repealed as of the effective date of this Ordinance, and the Village of Flossmoor Stormwater Management Ordinance is hereby enacted to read as follows:

Article I. GENERAL PROVISIONS

1.101 Purpose

This Ordinance is enacted pursuant to the police powers granted this Village by 65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, 5/11-31-2, as amended. This Ordinance is adopted in order to accomplish the following specific purposes:

- a. To meet the requirements of 615 ILCS 5/18g, as amended, an Act in Relation to the Regulation of the Rivers, Lakes and Streams of the State of Illinois, approved June 10, 1911, as amended.
- b. To assure that new development does not increase flood or drainage hazards to others, or create unstable conditions susceptible to erosion.
- c. To protect, conserve, and promote the orderly development of land and water resources.
- d. To preserve the natural hydrologic and hydraulic functions of watercourses and floodplains and to protect water quality and aquatic habitats.
- e. To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, prevent deteriorated water quality, reduce soil erosion, protect aquatic and riparian habitat, provide aesthetic benefits and enhance community and economic development.
- f. To prevent the adverse impacts resulting from increases in stormwater runoff quantity, or rate and decreases in quality caused by the development and improvement of land.

1.102 Definitions and Terms

Whenever in this Ordinance the following terms or pronouns are used, the intent and meaning shall be interpreted as follows:

ACT: An act in relation to the regulation of the rivers, lakes and streams of the State of Illinois, 615 ILCS 5/5 et seq., as amended.

ADVERSE IMPACTS: Any deleterious impact on water resources or wetlands affecting their beneficial uses including recreation, aesthetics, aquatic habitat, quality, and quantity.

APPLICANT: Any person, firm, or governmental agency which executes the necessary forms to procure official approval of a project or permit to carry out construction of a project from the Village.

APPROPRIATE USE: Only uses of the regulatory floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed in floodways are specified in the Flossmoor Floodplain Ordinance.

BASE FLOOD: The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood.

BASE FLOOD AREA: The land area subject to inundation by waters of the base flood.

BASE FLOOD ELEVATION: The elevation at all locations delineating the level of flooding resulting from the 100-year frequency flood event.

BUILDING: A structure that is principally above ground and is enclosed by walls and a roof. This includes a gas or liquid storage tank, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

BUILDING PERMIT: A permit issued by the Village for the construction, erection or alternation of a structure or building.

BULKHEAD: A structure or wall that protects stream banks and property adjacent thereto.

BYPASS FLOWS: Stormwater runoff from upstream properties tributary to a property's drainage system but not under its control.

CERTIFY OR CERTIFICATION: The specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this Ordinance.

CHANNEL: Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainageway which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

CHANNEL MODIFICATION: Alternation of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, riprapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of bottom or woody vegetation. Channel modification does not include the clearing of debris or trash from the channel. Channelization is a severe form of channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g., straightening).

COMPENSATORY STORAGE: An artificially excavated, hydraulically equivalent volume of storage within the Special Flood Hazard Area used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase off-site floodwater elevations and flows.

CONDITIONAL APPROVAL OF A REGULATORY FLOODWAY MAP CHANGE: Preconstruction approval by the Illinois Department of Transportation, Division of Water Resources, and the Federal Emergency Management Agency of a proposed change to the floodway map. This preconstruction approval, pursuant to this Part, gives assurances to the property owner that once an Appropriate Use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of record drawings.

CONDITIONAL LETTER OF MAP REVISION: A letter which indicates that the Federal Emergency Management Agency will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective Flood Hazard Map or Flood Insurance Rate Map; once record drawings are submitted and approved.

CONDUIT: Any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

CONSTRUCTION: Any building or erection of a structure or preparation for same.

CONTROL STRUCTURE: A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

CUBIC YARDS: The amount of material in excavation and/or fill measured by the method of "average end areas."

CULVERT: A substructure designed to carry drainage water or small streams below barriers such as roads or railway embankments.

DAM: All obstructions, wall embankments or barriers, together with their abutments and appurtenant work, if any, constructed for the purposes of storing or diverting water or creating a pool (i.e., weirs, restrictive culverts, impoundment berms). Underground water storage tanks are not included.

DETENTION FACILITY OR BASIN: A facility that provides for temporary storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

DETENTION TIME: The mean residence time of stormwater in a detention basin.

DEVELOPMENT: Any man-made change to real estate, including:

- a. Construction, substantial improvement, reconstruction, or placement of a building or any addition to a building.
- b. Storing a travel trailer on a site for more than 180 days.
- c. Drilling, mining, installing utilities, construction of roads, bridges, or similar projects.
- d. Demolition of a structure or redevelopment of a site.
- e. Clearing of land as an adjunct of construction.
- f. Construction or erection of levees, walls, fences, dams, or culverts; channel modifications; filling, dredging, grading, excavating, paving, or other nonagricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste.
- g. Any other activity that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal.

Development does not include maintenance of existing buildings and facilities such as reroofing or resurfacing of roads when there is no increase in grade, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

DIRECTOR: Director of Public Works employed by the Village or any person, firm or corporation specifically appointed by the Village for the purpose of administering the provisions of this Ordinance.

DIVISION: Illinois Department of Transportation, Division of Water Resources.

DRAINAGE FACILITY: Any natural or man-made feature which acts to control, accommodate or facilitate the flow of water or enhance its quality. This includes, but is not limited to, stream beds, streams banks, channels, conduits, swales, inlet structures, bulkheads, ponds, lakes, detention and retention basins, wetlands, and plantings which serve to retard erosion and/or stabilize environmental attributes of water bodies, basins or waterways.

DRY BASIN: A detention basin designed to drain completely after temporary storage of stormwater flows and normally to be dry over the majority of its bottom area.

ENGINEER: See PROFESSIONAL ENGINEER.

ELEVATION CERTIFICATES: A form published by the Federal Emergency Management Agency that is used to certify the elevation to which a building has been elevated.

EROSION: The general process whereby soils are moved by flowing water or wave action.

EXCAVATION: Any opening in the ground or pavement surface in any manner whatsoever, except an opening into a lawful structure below the surface, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the adjacent property.

EXCESS STORMWATER RUNOFF: The volume and rate of flow of stormwater discharged from an urbanized drainage area which is or will be in excess of that volume and rate which pertained before urbanization.

EXEMPT ORGANIZATIONS: Organizations which are exempt from this ordinance per the IL Compiled Stat. Including state or federal.

EXISTING GRADE: Means the vertical location of the existing ground surface prior to excavation or filling.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The federal agency under which the National Flood Insurance Program (NFIP) is administered. In March 2003, FEMA became part of the newly created U.S. Department of Homeland Security.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or the runoff of surface waters from any source.

FLOOD FREQUENCY: A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

FLOOD FRINGE: The higher portion of the floodplain, immediately adjacent to and on either side of a floodway, occupied by quiescent or slow-moving waters during floods.

FLOOD HAZARD BOUNDARY MAP: An official map of the Village, issued or approved by the Administrator of the Federal Insurance Administration, on which the areas having special flood hazards have been drawn and designated.

FLOOD INSURANCE RATE MAP (FIRM): A map prepared by the Federal Emergency Management Agency that depicts the Special Flood Hazard Area (SFHA) within a community. This map includes insurance rate zones and flood plains and may or may not depict floodways.

FLOODPLAIN: That land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevations. Floodplains may also include detached Special Flood Hazard Areas, ponding areas, etc. The floodplain is also known as the Special Flood Hazard Area (SFHA).

- (a.) The floodplains designated for Butterfield Creek and Cherry Creek are on map #17031C (DFIRM) and panels 0737J, 0739J, 0741J, 0742J, 0743J, and 0744J, dated August 19, 2008 of the countywide Flood Insurance Rate Map for Cook County, prepared by the Federal Emergency Management Agency.
- (b.) The floodplains for those parts of unincorporated Cook County that are within the one and one-half mile extraterritorial jurisdiction of the Village and may be annexed into the Village are designated for Butterfield Creek and Cherry Creek are on map #17031C (DFIRM) and panels 0717J, 0719J, 0736J, and 0738J, dated August 19, 2008, of the countywide Flood Insurance Rate Map for Cook County, prepared by the Federal Emergency Management Agency.

FLOOD PROFILE: Graphical representations of the elevations of the water surface of the 100-year flood along the watercourses of the Village.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODPROOFING CERTIFICATE: A form published by the Federal Emergency Management Agency that is used to certify that a building has been floodproofed to the flood protection elevation.

FLOOD PROTECTION ELEVATION (FPE): The elevation of the base flood or 100-year frequency flood plus two feet at any given location in the SFHA.

FLOODWAY: The channel or watercourse and those portions of the adjoining floodplains which are required to carry and discharge the 100-year flood with no significant increase in the base flood elevation.

FLOODWAY ENCROACHMENT LINES: The lateral boundaries of the floodway which separate it from the flood fringes.

FREEBOARD: An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, unknown localized conditions, wave actions, and unpredictable effects such as may be caused by ice or debris jams. The freeboard requirement is set at two feet.

GRADING: Means excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

HYDROGRAPH: A graph showing the flow rate for a given location on a stream or conduit with respect to time.

HYDROLOGIC AND HYDRAULIC CALCULATIONS: Engineering analysis which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

IMPROVEMENT: Any bridge, pipe, pipeline, fence, wall, planting, grading, vault, manhole, conduit, wire, tower, pole, anchor, cable, transformer, ditch, roadway, pavement, driveway, parkway, sidewalk, pedestrian-way, parking area or any other work, material, structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over a watercourse.

INFILTRATION: The passage or movement of water into the soil surfaces.

LAND SURVEYOR: See PROFESSIONAL LAND SURVEYOR.

LETTER OF MAP AMENDMENT (LOMA) : Official determination that a specific structure is not in a 100-year flood zone; amends that affective Flood Hazard Boundary Map or FIRM.

LETTER OF MAP REVISION (LOMR) : Letter that revises base flood or 100-year frequency flood elevation, flood insurance rate zones, flood boundaries or floodways as shown on an effective FHBM or FIRM.

MAJOR DRAINAGE SYSTEM: The portion of a drainage system designed for the convenience of the public. It consists of street gutters, storm sewers, small open channels, and swales and is usually designed to handle the 100-year runoff greater than a minor drainage system.

MINOR DRAINAGE SYSTEM: That portion of a drainage system designed for the convenience of the public. It consists of street gutters, storm sewers, small open channels, and swales and is usually designed to handle the 10-year runoff event or less.

MITIGATION: Mitigation includes those measures necessary to minimize the negative effects which floodplain development activities might have on the public health, safety and welfare. Examples of mitigation included compensatory storage, soil erosion and sedimentation control, floodproofing, and channel restoration.

NAVD 88: National American Vertical Datum of 1988. NAVD 88 supersedes the National Geodetic Vertical Datum of 1929 (NGVD).

NATURAL: When used in reference to channels means those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is reestablished. Similarly, a modified channel may be restored to more natural conditions by man through regrading and revegetation.

NATURAL DRAINAGE: Those channels formed by the existing surface topography of the earth prior to changes made by unnatural causes.

NEW CONSTRUCTION: In regard to Appropriate Uses of the regulatory floodway, the construction of any new building or structure or additions to buildings or structures, or the placement of any fill material, or regarding. It does not include the repair, remodeling, or maintenance of buildings or structures in existence on November 18, 1987 except when such can be classified as substantial improvements.

OCCUPANCY PERMIT: A permit to use or occupy any building or any development site or any part thereof.

ONE HUNDRED-YEAR EVENT: A runoff, rainfall, or flood event having a one percent (1%) chance of occurring in any given year.

ONE HUNDRED-YEAR FLOOD: A flood magnitude with a one percent (1%) statistical chance of being equaled or exceeded during any year. A flood this large would be reached once during a 100-year period, on the average. However, the occurrence of such an event does not diminish the chance of its recurring again at any time.

ORDINARY HIGH-WATER MARK: The point on the bank or shore, up to which the presence and action of surface water is continuous, so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

PARCEL: Means all contiguous land in one ownership.

PEAK FLOW: The maximum rate of flow of water at a given point in a channel or conduit.

PERFORMANCE BOND: The security provided by the Permittee or his Contractor solely for the protection of the Village and conditioned upon the faithful performance and completion of the work in accordance with the plans, specification and conditions thereof.

PERMITTEE: The individual, firm, association, corporation, governmental agency or any other legal entity to which a permit is issued and which is thereby responsible for construction of the proposed development.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

PROFESSIONAL ENGINEER: An engineer registered in the State of Illinois, under the provisions of The Illinois Professional Engineering Act (225 ILCS 325/1 et seq., as amended.).

PROFESSIONAL LAND SURVEYOR: A land surveyor registered in the State of Illinois, under the provisions of The Illinois Professional Engineering Act (225 ILCS 330/1 et seq., as amended)

PROJECT ENGINEER: The professional engineer employed by the Permittee to design and/or supervise the improvement construction.

PUBLIC FLOOD CONTROL PROJECT: A flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

REGULATORY OR DESIGNATED FLOODWAY: The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse as designated by IDNR/OWR, which is needed to store and convey the existing 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10 percent increase in velocities.

- (a.) The floodways are designated for Butterfield Creek and Cherry Creek are on map #17031C (DFIRM) and panels 0737J, 0739J, 0741J, 0742J, 0743J, 0744J dated August 19, 2008, of the countywide Flood Insurance Rate Map for Cook County prepared by the Federal Emergency Management Agency.
- (b.) The floodways for those parts of unincorporated Cook County that are within the one and a one-half mile extraterritorial jurisdiction of the Village and may be annexed into the Village are designated for Butterfield Creek and Cherry Creek and are on map #17031C (DFIRM) and panels 0717J, 0719J, 0736J, and 0738J, dated August 19, 2008, of the countywide Flood Insurance Rate Map for Cook County prepared by the Federal Emergency Management Agency.

- (c.) To locate the designated floodway boundary on any site, the designated floodway boundary shall be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the designated floodway boundary, IDNR/OWR shall be contacted for the interpretation.

REPAIR, REMODELING OR MAINTENANCE: Construction activities, which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

RETENTION BASIN: A facility designed to completely retain a specified amount of stormwater runoff without gravity release.

RIVERINE: Relating to, formed by, or resembling a river (including tributaries), stream, creek, or brook.

RIVERINE SFHA: Any Special Flood Hazard Boundary Map Hazard Areas subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel. This term does not include areas subject to flooding from lakes (except public bodies of water), ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

RUNOFF: The water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

SEDIMENTATION: The processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

SITE PERMIT: A permit required by the Village before any development of any kind is allowed within the Village.

SPECIAL FLOOD HAZARD AREA (SFHA) : Any base flood area subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel or ponding and shown on the Flood Insurance Rate Map as Zone A, AE, AH, AO, A99.

SPECIFICATIONS: The description, directions, provisions, and requirements for performing the work on a specific project. In all cases, the Village's Standard Specifications shall govern in applicable circumstances.

STANDARD DETAILS: Detail drawings of structures or devices adopted as Standard Construction Details by the Director.

STANDARD SPECIFICATIONS: Technical specifications adopted as Standard Specifications by the Director.

STORMWATER DRAINAGE SYSTEM: All means, natural or man-made, used for conducting stormwater to, through or from a drainage area to the point of final outlet from a property. A stormwater drainage system may include but is not limited to any of the following: conduits and appurtenances, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins and pumping stations.

STORMWATER RUNOFF: The water derived from melting snow or rain falling within a tributary drainage basin which are in excess of the infiltration capacity of the soils of that basin, which flow over the surface of the ground or are collected in channels or conduits.

STREAM: A body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

STRUCTURE: The results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building or installing a travel trailer on a site for more than 180 days.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (b) any alteration of a structure listed on the National Register of Historic Places or a State inventory of Historic Places.

SUBSTRUCTURE: Any pipe, conduit, duct, tunnel, manhole vault, buried cable, or wire, or any other structure located below the surface.

SWALE: A low-lying, natural or graded depressed land area which acts as a drainageway but has no definite bed, banks or shorelines and intermittently conveys only smaller quantities of water, thus permitting growth of maintainable sod or other low vegetation.

TIME OF CONCENTRATION: The elapsed time for stormwater to flow from the most hydraulically remote point in a drainage basin to a particular point of interest in that watershed.

TRIBUTARY WATERSHED: All of the land surface area that contributes runoff to a given point.

TWO-YEAR EVENT: A runoff, rainfall, or flood event having a fifty percent (50%) chance of occurring in any given year.

TRANSITION SECTION: Reaches of a stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa.

VACANT: Means land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

VEGETATION: All plant growth.

VILLAGE: Village of Flossmoor, Cook County, Illinois, and its officers, agents and employees when lawfully acting in its behalf.

WATERCOURSE: Any river, stream, creek, brook, branch or other drainageway in or into which stormwater runoff and floodwaters flow either regularly or intermittently. Swales between buildings serving to drain waters from no more than two adjacent building sites are not considered watercourses for the purposes of these Regulations.

WET BASIN: A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

WETLAND: Land that has a predominance of hydric soils (soils that are usually wet and where there is little or no free oxygen) and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of hydrophytic vegetation (plants typically found in wet habitats) typically adapted for life in saturated soil conditions.

Areas that are restored or created as a result of mitigation or planned construction projects and that function as a wetland are included within this definition even when all three wetland parameters are not present.

1.103 Authority of Director

All watercourses and other drainage facilities, whether located on public or private property, shall be under the authority of the Director. The Director shall exercise supervision over all improvements therein, and the maintenance and cleaning thereof. The Director shall be charged with the enforcement of all code provisions related to such watercourses, drainage facilities and grading and drainage of site developments and is hereby authorized to enforce such codes, ordinances and regulations.

1.104 Applicability

This Ordinance shall apply to all development within the Village and its extraterritorial area of jurisdiction.

1.105 Other Regulations

Before starting any work affected by this Ordinance, a person shall comply with the requirements set forth in other applicable ordinances with respect to the submission and approval of preliminary and final subdivision plats, improvement plans, building and zoning permits, inspections, appeals and similar matters, along with those set forth in this Ordinance and as may be required by federal or state laws and the regulations of any department of the State of Illinois. Where provisions of this Ordinance are more restrictive than other requirements, this Ordinance shall apply. See also Flossmoor Floodplain Ordinance.

1.106 General Considerations

The Village shall take into account storm and flood hazards, to the extent that they are known, in all official Village Board, Commission and Committee actions related to land management, use and development.

- a. Plats and plans for new subdivisions, annexation agreements, commercial developments, and planned unit developments shall include signed statements by an Engineer that the plats or plans account for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2, as amended). Such development shall be consistent with all the requirements of this Ordinance including the need to minimize flood damage.
- b. Proposals for new subdivisions, annexation agreements, commercial developments and planned unit developments shall include Base Flood Elevation data and Floodway delineations whenever any part of the development site is at or below the Base Flood Elevation. Where this information is not available from an existing study filed with the Illinois State Water Survey, the Applicant shall be responsible for calculating the Base Flood Elevation and the Floodway delineation.
- c. All new developments, including those of governmental agencies and nonprofit organizations, shall provide for stormwater detention in accordance with provisions of this Ordinance.
- d. New subdivisions, annexation agreements, planned unit developments and commercial developments shall be designed to provide for the conveyance of surface runoff and other stormwaters by swales, channels and other overland means whenever feasible. Drainage swales and channels, together with their accompanying easements, shall be so located that they do not straddle rear or side property lines. Drainage conveyance facilities, whether open or conduit, shall be located on only one side of a property line. Discharge from stormwater conveyance

systems shall be directed into an approvable, natural or man-made stream or other drainage facility. No stormwater shall be allowed to enter a sanitary sewer system.

- e. The Village Board shall not approve any Planned Unit Development or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this Ordinance.
- f. Public utilities and facilities shall be constructed so as to minimize flood damage.

1.107 Discharge of Private Stormwater

- a. All downspouts or roof drains shall discharge onto the ground and the water directed overland to suitable drainage facilities. No downspouts or roof drains shall be connected to sanitary sewers.
- b. Footing drains shall be connected to sump pumps and discharge shall be directed to drainage swales, detention areas or other suitable drainage facilities. No footing drains or drainage tile shall be connected to a sanitary sewer.
- c. Floor drains in basements shall be connected to sump pumps and discharged to sanitary sewers.
- d. Sump pumps installed to receive groundwaters or other stormwater shall be discharged into swales, detention areas, channels or other suitable storm drainage facilities. Sump pumps installed to receive and discharge floor drain flow or other sanitary sewage shall be connected to sanitary sewers. A single sump pump shall be used for one function only, either the discharge of stormwater, or the discharge of sanitary sewage.
- e. No window well or area-way drains shall be connected to a sanitary sewer.

1.108 Obstructions in Watercourses

It shall be unlawful for any person to cause, create or maintain any obstruction within a watercourse or swale of any type, except as may be specifically authorized by these Regulations.

1.109 Deposits Prohibited

It shall be unlawful to deposit in any watercourse or other drainage facility any waste material, trash, trimmings, stones, earth, concrete, wood or any other material or substance not specifically permitted by the Director.

1.110 Maintenance of Watercourses and Drainage Facilities

- a. Except where streams or drainage facilities are located within publicly owned property, it shall be the responsibility of individual property owners to maintain watercourses and other drainage facilities located upon their properties including, but not limited to, stream beds, stream banks, swales, detention facilities and bulkheads. The Village will maintain those drainage facilities which have been dedicated or stipulated by agreement for maintenance by the Village. All other facilities, when located on other than public property, shall be the responsibility of the owners of the properties on which they exist, regardless of whether or not dedicated easements exist over said facilities. If the Village provides written notification to a property owner that maintenance deficiencies exist which require correction, the property owner shall remedy such deficiencies within thirty (30) calendar days of such notification or within such other time period stipulated in the notification. If corrections are not made within the allowed time period, the Village reserves the right to enter upon dedicated easements and cause the necessary work to be performed and assess the cost of such work to the property owner. All natural and man-made features shall be maintained in good condition. Watercourses shall be kept clear and open to

allow passage of required water volumes without overbanking into areas not historically inundated.

- b. Before a site permit is obtained for a private stormwater drainage system, the Applicant shall execute a maintenance agreement with the Village guaranteeing that the Applicant and all future owners of the property will maintain its stormwater drainage system. The maintenance agreement shall also specifically authorize representatives of the Village to enter onto the property for the purpose of inspections of the drainage system. The maintenance agreement shall also specifically authorize representatives of the Village to enter onto the property for the purpose of inspections of the drainage system. Such agreement shall be recorded with the Recorder of Deeds of Cook County. The maintenance of each aspect of the property's stormwater drainage system and shall provide for access to the system for inspection by authorized personnel of the Village. The maintenance problems which require correction, the property owner shall make such corrections within 30 calendar days of such notification. If the corrections are not made within this time period, the Village may have the necessary work completed and assess the cost to the property owner.
- c. The village has the option of requiring a bond to be filed by the property owner for maintenance of stormwater drainage systems.
- d. The Public Works Director may adopt, and amend, from time to time, by Technical Policy Directive, minimum standards for the conduct of maintenance activities for various drainage facilities.

1.111 Routine Inspections

All privately owned drainage systems shall be inspected by the Director not less often than once per year. A written report shall be filed of the results of any inspection and a copy sent to the property owner detailing any problems which need correction.

1.112 Bench Marks

The system of official bench marks and elevations established by the National American Vertical Datum of 1988 (NAVD 88) shall be taken by engineers, surveyors, and architects when making topographical surveys and maps, and when setting grades and elevations for buildings, pavements, drainage facilities, and other structures or works publicly constructed or regulated by the Village.

1.113 Appeals

An Applicant for a Site Permit may appeal a decision of the Director by filing a written notice of appeal a decision of the Director by filing a written notice of appeal with the Village Board no later than fifteen (15) days after the Applicant is advised of the Director's decision. An application for appeal shall be based on a claim that the true intent of this Ordinance or the rules legally adopted thereunder have been incorrectly interpreted or the provisions of this Ordinance do not fully apply. Upon receipt of a notice of appeal the Village Board shall schedule and hold a public hearing after giving fifteen (15) days' notice thereof in a newspaper of general circulation in the community. The Village Board shall render a decision within thirty (30) days of the hearing.

1.114 Penalty

Failure to obtain a permit as required in this Ordinance or failure to comply with the requirements or conditions of a permit shall be deemed to be a violation of this Ordinance. Upon due investigation, the Village may determine that a violation of the standards of this Ordinance exists. The Village shall notify the owner in writing of such violation.

- a. If such owner fails after ten days notice to correct the violation:

1. The Village may make application to the circuit court for an injunction requiring conformance with this Ordinance or such other order as the court deems necessary to secure compliance with this Ordinance.
 2. Any person who violates this Ordinance shall upon conviction thereof be fined not less than \$100.00 nor more than \$750.00 for each occurrence.
 3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
 4. The Village may record a violation on the title of the property.
- b. Nothing herein shall prevent the Village from taking other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
 - c. Any bond, performance bond, assurances, loan commitment, or any other guarantees provided pursuant to the terms of this Ordinance shall, in the event of the Permittee's failure to complete the work or failure to comply with any or all conditions of said permit or of this Ordinance, shall be forfeitable to the Village for the payment of all necessary costs and expenses that may be incurred or expended by the Village in causing any or all such work as required thereunder to be completed pursuant to the terms and conditions as provided in the permit or this Ordinance.
 - d. The Director shall inform the owner that any such violation is considered a willful act to increase flood damages and, therefore, may cause coverage by a standard flood insurance policy to be suspended.

1.115 Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. Where this Ordinance and other codes, regulations, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

1.116 Severability

The provisions and sections of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

1.117 Effective Date

This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

Article II. PERMITS FOR IMPROVEMENTS

1.201 Site Permit Required

No person, firm, corporation or governmental agency, unless specifically exempted by law, shall commence any development on any lot or parcel in the Village without first obtaining a Site Permit from the Village. The Director shall not issue a Site Permit if the proposed development does not meet the requirements of this Ordinance.

1.202 Other Agency Permits

- a. The Director shall not issue a Site Permit unless all known to be required federal, state and district permits have been obtained by the Applicant and copies thereof received by the Director. The granting of a Site Permit under this Ordinance shall in no way affect the owner's responsibility to obtain the approval required by any other statute, ordinance or code, or to meet the requirements of other Village ordinances and regulations.
- b. Any work involving the construction, modification or removal of a dam as defined herein, per 92 Ill. Adm. Code 702 (Rules for Construction of Dams), shall require an Illinois Division of Water Resources Dam Safety permit prior to a permit being issued by the Village.
- c. Any development involving work in waters of the United States, including wetlands and streams as identified and regulated by the U.S. Army Corps of Engineers shall permits or signoffs from the Corps prior to the issuance of a permit.

1.203 Permit Application, General

No Site Permit shall be issued unless a written application on a form provided by the Village is submitted to the Director. The written application shall state the name and address and principal place of business of the Permittee, the location and dimensions of the improvements, the purpose of the facility and the length of time which will be required to complete such work including removing all obstructions, material and debris. The application, when approved and signed by the Director, shall constitute a permit.

1.204 Permitting Process

Site permits for work associated with building construction will normally be processed along with the building plan review process. When work is contemplated which might affect a flood hazard area or any drainage course, the Applicant should discuss the proposal with the Director prior to preparing final plans. The Director shall advise the Applicant of the types of information and documents that are expected to be required for the processing of an application. The Director shall also advise the Applicant of any permit requirements of other agencies insofar as the Director is aware. When a development is proposed which will require a permit from the Division, application for a Site Permit must first be made to the Village. The Director, after reviewing and approving the information and documents submitted, shall forward all necessary information to the Division for its review. The Director shall issue a Site Permit only after approval of the project by the Division has been received on any project for which Division approval is required. The Applicant shall be responsible for making applications for permits required by any other agencies.

1.205 Plans Required

No permit shall be issued until acceptable plans for the proposed improvements have been submitted and approved by the Director except in cases when the work is of such nature that the adopted standard details and/or specifications adequately govern the quality of materials and workmanship. When required by the Director, the application for a Site Permit shall be accompanied by a site plan,

drawn to scale, and furnished in the quantity required by the Director. In such instances, the site plan shall contain certification of all boundary and topographic survey information by a Professional Land Surveyor or Engineer. Site plans shall be required to contain the following information, as applicable:

- a. Title, north point, scales, notes, legend, area of site, and other pertinent general information.
- b. Boundary lines and dimensions and area of the site.
- c. Locations of existing and proposed utility lines and underground facilities.
- d. Locations of existing and proposed buildings and other structures on and within a minimum of 100 feet of the site, depending on existing topography.
- e. Names and addresses of owner, developer, engineer, surveyor, etc.
- f. Existing ground contour lines at one-foot intervals on the site and to a scaled distance of 100 feet from the boundary lines.
- g. Details of existing terrain and drainage patterns; dimensions, elevations and contours of grading, excavation and fill.
- h. Location and name of any stream and its banks, and location of any wetland and pond as delineated by its ordinary high water mark.
- i. Locations of building setback lines.
- j. Location of any 100-year floodway flood fringe limits.
- k. Location of existing or future access roads.
- l. Areas to be disturbed, left undisturbed, vegetated, stabilized, etc.
- m. A description of methods to be employed in disposing of soil and other material that is removed from allowable grading and excavation sites, including the location of the disposal site if on the property.
- n. Elevation of the lowest floor (including basement) and the top of foundation elevation of all existing and proposed buildings.
- o. A detailed description of the revegetation and stabilization methods to be employed.
- p. Such other information as reasonably requested by the Director.

1.206 Submittals for Sites Affected by Drainage Courses

When developments are proposed within an identified Special Flood Hazard Area, or the improvements will be located within, or affect in any way, a drainage course of any type, the Director may require that the permit application be accompanied by more comprehensive information including but not limited to:

- a. An assessment of the potential impact of the proposed development activity on any stream, including, but not limited to, loss of flood storage potential, loss of habitat, impacts on water quality, increase in human intrusion and impacts on associated watercourses or downstream sensitive areas.

- b. A schedule indicating when each stage of the project will be completed, including the total area of soil surface to be disturbed during each stage, and estimated starting and completion dates.
- c. Such information and calculations as may be necessary in the opinion of Director.

1.207 Submittals for Improvements Within Regulatory Floodway

When improvements or work of any type are proposed within a Regulatory Floodway, the application shall include the following additional information:

- a. Site location (including legal description) of the property, drawn to scale, on the regulatory floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area.
- b. Signature of Applicant or the Applicant's agent.
- c. If the Applicant is a corporation, the president or other authorized officer shall sign the application form.
- d. If the Applicant is a partnership, each partner shall sign the application form.
- e. If the Applicant is a land trust, the trust officer shall sign the name of the trustee by him/her as trust officer. A disclosure affidavit must be filed with the application, identifying each beneficiary of the trust by name and address and defining and respective interest therein.
- f. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow.
- g. The site plan shall show existing and proposed ground contour lines at one-foot intervals on the site and to a scaled distance of 100 feet from the boundary lines.
- h. The improvement plan view shall provide principal dimensions of the structure or work, elevations in National American Vertical Datum of 1988 (NAVD 88), adjacent property lines and ownership, drainage and flood control easements, location of any channels or any existing or future access roads, regulatory floodway limit, floodplain limit, specifications and dimensions of any proposed channel modifications, and location and orientation of cross-sections.
- i. Cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency elevation, and graphic or numerical scales (horizontal and vertical).
- j. A sediment and erosion control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures.
- k. A copy of the regulatory floodway map, marked to reflect any proposed change in the regulatory floodway location.
- l. Any and all local, state and federal permits or approval letters that may be required for this type of development.
- m. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria.

- n. If the regulatory floodway delineation, base flood or 100-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until the Division has indicated conditional approval and the regulatory floodway map change has been approved and the regulatory floodway map change has been approved by the Federal Emergency Management Agency.
- o. If the proposed project involves a channel modification, the Applicant shall submit the following information:
 - 1. A discussion of the purpose of and need for the proposed work.
 - 2. A discussion of the practicability of using alternative locations or methods to accomplish the purpose of the proposed work.
 - 3. An analysis of the extent and permanence of the impacts the project would have on the physical and biological conditions of the body of water affected.
 - 4. An analysis of the extent and permanence of the impacts each feasible alternative identified in Section 1.207-o-2 would have on the physical and biological conditions of the body of water affected.
 - 5. An analysis of the impacts of the proposed project, considering cumulative effects on the physical and biological conditions of the body of water affected.

1.208 Other Submittals

- a. The Director may require that the site proposed for development activity be investigated to determine the soil and geologic characteristics. A report, prepared by an Engineer experienced in the practice of geological soils mechanics, may be required with Site Permit applications for any improvements proposed within a Special Flood Hazard Area. Such a report shall include a description of soil type, stability of surface and subsurface conditions. Any area which the investigation indicates as subject to geologic or soil hazards shall not be subjected to development activity unless the Project Engineer can demonstrate conclusively that the hazards can be overcome.
- b. A hydrologic control plan that, in part, describes the hydraulic characteristics of nearby watercourses, prepared by an Engineer experienced in civil engineering, shall be submitted with each Site Permit application for improvements within Special Flood Hazard Areas whenever such plan is found necessary by the Director.
- c. When required by the Director, a landscape plan, prepared by a professional landscape architect, shall be submitted with the Site Permit application and contain the following:
 - 1. A plan describing the existing vegetal cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction.
 - 2. A plan describing the proposed vegetation of disturbed areas specifying the materials to be used.

The landscape plan will be evaluated according to:

- 1. The character and size of the proposed development and potential for adverse impact on the stream.
- 2. The width of the stream.

3. The topography of the area.
 4. The type and stability of the soils.
 5. The type and density of the existing vegetation.
 6. The existence of diseased trees or trees in danger of falling.
- d. A sediment and erosion control plan for disturbed ground surface areas shall be provided for work which will disturb an area of 5,000 square feet or more or whenever any ground surface within a watercourse or SFHA is disturbed. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures.
 - e. The Permittee may be required to present evidence that demonstrates that the proposed development activity will not endanger health and safety, including danger from gas, electricity, fuel, short-circuiting, grounding, igniting or electrocuting.
 - f. For all projects involving channel modification, fill or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, the Applicant shall provide verification that all watershed communities have been notified in writing of the intended activities. Such notification must be achieved no less than thirty (30) days prior to the issuance of a permit.

1.209 Review of Site Permit Applications

- a. All Site Permit applications, together with all supporting submittals shall be reviewed by the Director or his designee.
- b. The Director shall also provide for applications and submittals to be reviewed by a Professional Engineer who is employed by or under contract to the Village. Applications for the following activities may be permitted without an Engineer's review. Such activities must still meet the other requirements of this Ordinance including the mitigation requirements.
 1. Underground and overhead utilities that:
 - (a) Do not result in any increase in existing ground elevation, or
 - (b) Do not require the placement of above ground structures in the floodway, or
 - (c) In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of 3' below the existing stream bed, and
 - (d) In the case of overhead utilities, no supporting towers are placed in the watercourse and are designed in such a fashion as not to catch debris.
 2. Storm sewer outfalls that:
 - (a) Do not extend streamward of the existing adjacent natural bank slope.
 - (b) Do not result in an increase in ground elevation.
 - (c) Are designed so as not to cause stream erosion at the outfall location.

3. Construction of sidewalks, athletic fields (excluding fences), properly anchored playground equipment and patios at grade.
 4. Construction of shoreline and streambank protection that:
 - (a) Does not exceed 200 feet in length.
 - (b) Materials are not placed higher than the existing top of bank.
 - (c) Materials are placed so as not to reduce the cross-sectional area of the stream channel.
 5. Temporary stream crossings in which:
 - (a) The approach roads will be 0.5' (1/2 foot) or less above natural grade.
 - (b) The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.
 - (c) The top of the roadway fill in the channel will be at least 2' below the top of the lowest bank.
 - (d) All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.
 - (e) The access road and temporary crossings will be removed within one year after authorization.
 6. The proposed development will not be located within any Special Flood Hazard Area.
- c. For a development located in a regulatory floodway, the following data must be submitted to the Division for its review and concurrence after the permit application and supporting documents have been reviewed and approved by the Director but prior to the issuance of a Site Permit:
1. Engineer's determination that an existing bridge or culvert is not a source of flood damage pursuant to stipulations in Article III.
 2. Engineer's determination that a proposed bridge impacted by backwater from a downstream receiving stream may be built with a smaller opening pursuant to stipulation in Article III.
 3. Designs for alternative transition sections and hydraulically equivalent storage pursuant to stipulations in Article III.
 4. Applications for Illinois Department of Transportation projects, dams (as defined in Article III) and all other state, federal or local units of government projects, including projects of the Village.
 5. Any changes in the base flood elevation or location.
 6. Base flood elevation determination where none now exists.
- d. Upon receipt of a Site Permit application for a project located wholly or partly within a flood fringe, the Director shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. If the developer can prove that the existing elevation has not been increased over the natural grade as it appeared when the parcel was first identified on a FIRM map as being in a floodplain; and if the existing elevation is above the base flood elevation, then

the site is not located in a SFHA and, therefore, not subject to the requirements applicable specifically to Special Flood Hazard Areas. The Director shall maintain documentation of the existing ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

- e. The Applicant shall be required to furnish to the Director copies of all other local, state and federal permits, approvals or permit-not-required letter; that may be required for this type of activity. The Director shall not issue a permit unless all other local, state and federal permits have been secured.
- f. If, after examination, it is determined by the Director that the proposed development or use of a site will be in compliance with this Ordinance and such other ordinances and resolutions passed by the Village Board applicable thereto, the Director shall approve such application and issue the appropriate permit as soon as practicable. If the examination reveals otherwise, the application shall be rejected and the Director's findings shall be noted in a written report to be attached to the application. A copy of the report shall be provided to the Applicant upon request.

1.210 Modifications of Permit Requirements

The permit provisions of this Ordinance shall not apply to:

- a. Emergency work necessary to preserve life or property. When emergency work is performed under this section, the person performing it shall:
 - 1. Report the pertinent facts relating to the work to the Village within ten (10) days after commencement of the work.
 - 2. Immediately thereafter obtain a Site Permit.
 - 3. Perform such work as may be required by the Director to correct any impairment caused by such emergency work to the water conveyance capacity of the watercourse.
- b. Work consisting of the operation, repair, or maintenance of any lawful use of land existing on the date of adoption of this Ordinance shall not require a Site Permit except that no expansion of such use shall be allowed without complying with the provisions of this Ordinance.
- c. The property on which the improvements will take place is not within an identified Special Flood Hazard Area and:
 - 1. Excavation, fill, or any combination thereof totals an amount less than 500 cubic yards, results in less than three (3) feet of fill at the deepest point, results in less than four (4) feet of cut at the deepest point, the total area of plant cover removal is less than 5,000 square feet and the lot or parcel is to remain vacant for no less than one year, or
 - 2. The improvements of the site include principally remodeling or additions to existing structures and the construction and site improvements will effect less than 2,000 square feet of the site, or
 - 3. The work will be limited to installation of utilities by authorized public utility agencies or companies.

1.211 Occupancy Permit Required

It shall be unlawful to use or occupy any building or any development site or any part thereof hereafter constructed in a Special Flood Hazard Boundary Map Area without first making

application for and obtaining an Occupancy Permit from the Village. Request for an Occupancy Permit shall be submitted to the Village upon completion of the work authorized in the Site Permit issued for the project. If, upon final inspection of said building or development site, the Director finds that the work has been performed in accordance with the approved application and plans for the Site Permit, an Occupancy Permit shall be issued. If final inspection reveals otherwise, an Occupancy Permit shall not be issued until all deficiencies are corrected.

1.212 Permit Limitations

- a. The issuance of a Site Permit shall constitute an authorization to do only that work which is described or illustrated on the application for the permit or on the plans and specifications approved by the Village.
- b. The issuance of a permit or the approval of drawings and specifications shall not be construed to be a permit for, not an approval of any violation of, or deviation from, the provisions of this Ordinance or any other code, law, rule, or regulation.
- c. The issuance of a permit, based upon drawings and specifications, shall not prevent the Village from thereafter requiring the correction of errors in said drawings and specifications or from stopping unlawful construction operations being carried on thereunder.
- d. Where no substantial work is commenced within six (6) months after issuance or, if commenced, is discontinued for two (2) months, the Site Permit shall expire by limitation and a new permit shall be secured before work is started or continued, unless exempted by the Village for good cause shown.

1.213 Revocation of a Permit

The Village may revoke a permit where there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit was based. The Village may revoke a permit when work is performed contrary to the provisions of the application or plans on which the permit is based. When a permit is revoked, the Village shall inform the Permittee in writing of the specific steps the Permittee must take in order to have the permit reissued. It shall be unlawful to continue any work authorized by a permit after revocation of that permit and until the permit is reissued or until a new permit is issued.

1.214 Fees and Charges

- a. Fees for permits shall be established by separate ordinances as approved by the Village Board.
- b. For engineering evaluations performed by qualified consultants when required by the Village, the Applicant shall promptly pay all costs associated therewith.

1.215 Time Limits

- a. The Permittee shall fully perform and complete all work required to be done pursuant to a permit within the time limit specified. If no time limit is specified, the Permittee shall complete the work within (ninety) 90 days after the date of the issuance of the permit.
- b. If the Permittee is unable to complete the work within the specified time, he/she shall, prior to the expiration of the permit, present in writing to the Village a request for an extension. If, in the opinion of the Director, such an extension is warranted, he may grant additional time for the completion of the work.

1.216 Conditions of Approval

In granting any permit under this Article, the Village may attach such conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to public or private property or to protect the hydrologic characteristics of any affected drainage facility.

1.217 Liability

Neither the issuance of a permit under the provisions of this Ordinance nor the compliance with the provisions hereof, or with any conditions imposed in the permit issued hereunder, shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the Village for damage to other persons or property.

Article III.

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Article IV. STORMWATER DETENTION

1.401 Detention Required

No person shall cause any development on any property in the Village without providing stormwater detention facilities as herein described and specified.

1.402 Exception

The Director may waive the requirements for detention facilities when one or more of the following conditions exist:

- a. The proposed development consists of home improvements or additions to an existing residence and it can be satisfactorily verified that the improvements will not increase the value of the premises by more than fifty percent (50%) of its then current value.
- b. The proposed development consists of restoring existing improvements which have been damaged by fire, storm or flood.
- c. The property to be developed is all or a wholly contained part of an approved development for which stormwater detention was previously provided or planned to the satisfaction of Village authorities in the form of on-site detention, off-site detention, cash in lieu thereof, or some combination of the above. Development of property shall be allowed to take place according to the conditions of previously approved detention standards and stipulation provided, however, that previously approved concept plans and/or preliminary plats shall not retain their approved status for stormwater detention proposals for longer than one (1) year if no construction or development takes place within that time.

1.403 Drainage Plan Required

When a detention facility is required or proposed, the Applicant shall submit plans and information, depending on development size, providing the following data to ensure that the provisions of this Ordinance are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts of the development on water resources both on-site and downstream, and the effectiveness of the proposed drainage plan in managing stormwater runoff. The Applicant shall certify on the drawings that all clearing, grading, drainage, and construction shall be accomplished in strict conformance with the drainage plan. The following information shall be submitted for both existing and proposed property conditions.

a. Properties Smaller Than Five (5) Acres

1. **TOPOGRAPHIC MAP:** A topographic survey of the property and areas upstream and downstream necessary to determine off-site impacts of the proposed drainage plan at one-foot contours.
2. **ENVIRONMENTAL FEATURES:** A depiction of environmental features of the property and immediate vicinity including the following:
 - (a) The limits of wetland areas.
 - (b) Any proposed channel modifications.
 - (c) Any designated natural areas.
 - (d) Proposed environmental mitigation features.

3. **DRAINAGE SYSTEM:** A depiction of existing and proposed drainage system features of the property and immediate vicinity including:
 - (a) The banks and centerline of streams and channels.
 - (b) Shoreline of lakes, ponds, and detention basins.
 - (c) Farm drains and titles.
 - (d) Watershed boundaries within the property.
 - (e) The property's location within stream or river watersheds.
 - (f) Location, size and slope of stormwater conduits.
 - (g) Sanitary or combined sewers.
 - (h) Mapped natural depressional storage areas.
 - (i) Delineation of upstream and downstream drainage features and watersheds which might be affected by the development.
 - (j) Detention facilities.
 - (k) Roads and streets and associated stormwater inlets.
 - (l) Base flood elevation, and regulatory floodway where identified for the property.
 - (m) Basis of design for the final drainage network components.
 - (n) Other pertinent information determined to be necessary by the Director.

b. Properties Larger Than Five (5) Acres

The same information as required in Section 1.403-a is required for properties larger than five acres along with the following additional information for the minor drainage system's design runoff event and the 100-year runoff event of critical duration:

1. Elevations and maps of flooding.
2. Cross-section data for open channel flow paths.
3. Direction of stormflows.
4. Flow rates and velocities at critical points in the drainage system.
5. A statement by the Project Engineer of the drainage system's provisions for handling events greater than the 100-year runoff.

1.404 Minimization of Runoff Volumes and Rates

In the selection of a drainage plan for a development, the Applicant shall choose a strategy which strives to minimize the increase in runoff volumes and rates from the site. The Applicant shall observe the following hierarchy in developing a drainage plan:

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- a. Minimization of impervious surfaces on the property.
- b. Flow attenuation by use of open vegetated swales and retention of natural depressions or construction of new ones in conjunction with retention of existing natural stream channels.
- c. Infiltration of runoff on-site.
- d. Stormwater retention structures.
- e. Stormwater detention structures.
- f. Storm sewers.

At all times the Applicant shall keep in mind groundwater quality and public safety and convenience in the selection of drainage plan elements.

1.405 Release Rates

- a. **GENERALLY:** The drainage system for a property shall be designed to control the peak rate of discharge from the property for the 2-year, 24-hour and 100-year, 24-hour events to levels which will not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities. The peak discharge from events less than or equal to the 2-year event shall not be greater than 0.04 cfs per acre of property. The 100-year discharge shall not be greater than 0.15 cfs per acre of property.
- b. **SMALL DEVELOPMENT SITES:** When the calculated allowable discharge for a development site is exceptionally small due to the small size of the site, i.e., three (3) acres or less, the Director may allow a greater rate of discharge provided the developer's Engineer demonstrates that appropriate attempts had been made to develop a design for a discharge device which could be reasonably expected to function effectively without undue personal attention or maintenance efforts. In no case will discharge orifices less than two (2) inches in inside diameter be required. Project Engineers shall be expected to utilize, to the extent practicable, innovative and high-tech solutions for discharge facilities intended to minimize discharge for small site detention basins.

1.406 Water Quality and Multiple Uses

- a. The drainage system should be designed to minimize adverse water quality impacts downstream and on the property itself. Detention basins shall incorporate design features to capture stormwater runoff pollutants. Detention and infiltration of stormwater shall be promoted throughout the property's drainage system to reduce the volume of stormwater runoff and to reduce the quantity of runoff pollutants.
- b. The drainage system should incorporate multiple uses to the maximum extent feasible. Uses considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating, trails, playing fields), wetlands and water quality mitigation. The Applicant should avoid using portions of the property exclusively for stormwater management.

1.407 Hydrologic Design Procedures

The design of the drainage system shall be developed and evaluated by the Applicant based on routing runoff hydrographs for the 2-year, 10-year, and 100-year, 24-hour events through its minor and major components. In addition, a general assessment of the impacts of flows exceeding the 100-year event shall be presented.

- a. **RAINFALL:** Unless a continuous simulation approach to drainage system hydrology is used, all design rainfall events shall be based on the Illinois State Water Survey Bulletin 70. First quartile median points rainfall distribution as described by Huff of the ISWS shall be assumed for discharge estimations. SCS Type II distributions shall also be acceptable for detention basin design.
- b. **HYDROGRAPH REQUIRED:** Runoff must be developed as part of the design of the drainage system's minor and major components. The TR-55 design procedure, or other method approved by the Director, shall be utilized for generation of hydrographs, subject to rainfall distribution modifications, for all properties larger than five (5) acres. The Rational Formula shall not be used to estimate peak discharges for properties larger than five (5) acres.
- c. **ANTECEDENT MOISTURE:** All computations of runoff hydrographs which do not rely on a continuous accounting of antecedent moisture conditions shall assume the following antecedent moisture conditions:
 1. SCS TR-55 – antecedent moisture condition two.
 2. ILLUDAS – number 3, “rather wet”.

1.408 Hydraulic Design Procedures

A profile and mapping of floodwater depths and coverage shall be prepared for the property for the 2-year, 10-year, and 100-year events. Direction of flow and velocities shall also be reported for critical points in the drainage system.

- a. **DETENTION:** The minimum available storage to be provided in a detention 24-hour event and reservoir routing (also called level pool), or equivalent.
- b. **STREETS:** If streets are to be used for storage of excess stormwater, ponding depths shall not exceed curb heights by more than one (1) inch shall not remain flooded for more than eight (8) hours for any event less than or equal to the 100-year event.

1.409 Wet Basins

Wet detention basins shall be designed to remove stormwater pollutants, to be safe, and as much as feasible, to be available for recreational use.

- a. **DEPTHS:** Wet basins shall be at least eight (8) feet deep [three (3) feet if aerated], excluding nearshore banks and safety ledges. If fish habitat is to be provided they shall be at least ten (10) feet deep over twenty-five percent (25%) of the bottom area to prevent winter freeze-out.
- b. **PERMANENT POOL VOLUME:** The permanent pool volume in a wet basin at normal depth shall be equal to the runoff volume from its watershed for the 2-year event.
- c. **NUISANCE CONTROL:** Wet basins shall be designed in a manner which will reduce as much as practicable nuisance problems such as algae.

1.410 Dry Basins

Dry basins shall be designed to remove stormwater pollutants, to be safe and, as much as feasible, to be available for multiple uses.

- a. **DRAINAGE:** Dry basins shall be designed so that eighty percent (80%) of their bottom area shall have standing water no longer than seventy-two (72) hours for any runoff event less than te

100-year event. Underdrains directed to the outlet control shall be used if necessary to accomplish this requirement.

- b. **WATER QUALITY:** All dry detention basins shall be designed to remove stormwater pollutants.

1.411 Safety

The drainage system components, especially all detentions basins, shall be designed to protect the safety of any children or adults coming in contact with the system during runoff events.

- a. **SHORELINES:** The shorelines of all detention basins at 100-year capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Shoreline shall not have greater than three to one (4:1) (horizontal to vertical) slope.
- b. **BANKS:** The sideslopes of the banks of both wet and dry detention basins shall not be steeper than three to one (4:1).
- c. **SAFETY LEDGE:** All wet detention basins shall have a level safety ledge with a minimum width of five (5) feet, and two (2) feet below the normal water depth.
- d. **VELOCITY:** Velocities throughout the drainage system shall be controlled to safe levels taking into consideration rates and depths of flow.
- e. **OVERFLOW STRUCTURES:** All stormwater detention basins shall be provided with clearly defined overflow facilities capable of safely passing overflows so that downstream damage to properties is prevented.

1.412 Infiltration Practices

Infiltration practices including basins, trenches, and porous pavement shall only be allowed in soils considered "A" or "B" by the U.S. Soil Conservation Service. Infiltration practices shall not be located within seventy-five (75) feet of a water supply well or a building foundation. A sediment settling basin shall be provided to remove coarse sediment from stormwater flows before they reach infiltration basins or trenches. Stormwater shall not be allowed to stand more than seventy-two (72) hours over eighty percent (80%) of a dry basin's bottom area for the maximum design event to be exfiltrated. The bottom of infiltration facilities shall be a minimum of four (4) feet above seasonally high groundwater and bedrock.

1.413 Detention in Floodplains

- a. Detention basins shall not be permitted in floodways.
- b. The stormwater detention requirements of this Code may be fulfilled by providing increased storage capacity within flood fringe areas on the project site. The placement of a detention basin in a flood fringe area shall require compensatory storage for 1.5 times the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be controlled consistent with the requirements of Section 1.405. The Applicant shall certify its operation for all streamflow and floodplain backwater conditions. Excavations for compensatory storage along streams and watercourses shall be opposite or adjacent to the area occupied by detention. All floodplain storage lost below the 10-year flood elevation shall be replaced below the 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the 10 yr floodplain elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse.

- c. On-stream detention basins are allowable if they provide regional public benefits and if they meet the other provisions of this Ordinance with respect to water quality and control of the 2-year and 100-year, 24-hour events from the property. If on-stream detention is used for watersheds larger than one (1) square mile, it is recommended that the Applicant use dynamic modeling to demonstrate that the design will not increase stage for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:
 1. Shall not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning.
 2. Shall not cause or contribute to the degradation of water quality or stream aquatic habitat.
 3. Shall include a design calling for gradual bank slopes, appropriate bank stabilization measure and a pre-sedimentation basin.
 4. Shall comply with 92 Illinois Administrative Code Part 708 dated November 29, 1988, and this Ordinance.

1.414 Detention in Wetlands

Existing wetlands shall not be modified for the purposes of stormwater detention unless it is demonstrated that the proposed modification, including such activities as filling, draining, excavation and vegetation removal, will maintain or improve habitat, and water quality. In addition, fill shall not be placed in the wetland and a long-term monitoring and maintenance agreement shall be established to ensure that the modified wetland/detention facility continues to provide wetland functions.

1.415 General Detention Considerations for Water Quality Enhancement

- a. **INLET AND OUTLET ORIENTATION:** As much as feasible, the distance between detention inlets and outlets should be maximized. If possible, they should be at opposite ends of the basin.
- b. **VELOCITY DISSIPATION:** Baffles or berms should be placed perpendicular to the direction of flow through a detention basin to reduce velocity and prevent scour.
- c. **MAINTENANCE:** The stormwater drainage system shall be designed to minimize and facilitate maintenance. Turfed sideslopes should be designed to allow lawn-mowing equipment to easily negotiate them. Wet basins should be provided with alternate outflows which can be used to completely drain the pool for sediment removal. Pre-sedimentation basins should be considered for localizing sediment deposition and removal. Access for heavy equipment should be provided.

1.416 Protection of Depressional Storage

The stormwater storage capacity in wetlands and in natural storage areas identified in the "Floodplain Management Study, Butterfield Creek and Tributaries," (U.S. Department of Agriculture, Soil Conservation Service and Illinois Department of Transportation, Division of Water Resources, November 1987 and as amended) shall be maintained. This stormwater storage capacity shall be maintained on the development site or shall be compensated within the watershed at a site designated by the Director.

Storage required to meet the stormwater detention criteria of this ordinance shall be provided in addition to the existing identified depressional storage capacity.

1.417 Protection of Wetlands

Wetlands shall be protected from the adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this Ordinance, the following mitigation criteria shall be met for all developments whose drainage flows into wetlands:

- a. The existing wetland shall be protected during construction by appropriate soil erosion and sediment control measures.
- b. All runoff from the development shall be routed through a preliminary detention/sedimentation basin designed to capture the 2-year, 24-hour event and hold it for at least 24 hours, before being discharged to an existing wetland. This basin shall be constructed before property grading begins. In addition, the drainage hierarchy defined herein should be followed to minimize runoff volumes and rates being discharged to the wetland.
- c. A buffer strip at least twenty-five (25) feet in width, preferably vegetated with native plant species, shall be maintained around periphery of the wetland.

1.418 Flows From Tributary Areas

Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system.

a. Upstream Areas Not Meeting Code Requirements

When there are areas not meeting the storage and release rates of this Ordinance, tributary to the Applicant's property, regionalized detention on the Applicant's property shall be explored by the Applicant. The following steps shall be followed.

1. The Applicant shall compute the storage volume needed for his property using the release rates prescribed herein, the Applicant's property area, and the procedures described herein.
2. Areas tributary to the Applicant's property, not meeting the storage and release rate requirements of this Ordinance, shall be identified.
3. Using the areas determined above plus the Applicant's property area, total storage needed for the combined properties shall be computed.
4. Allowable release rates shall be computed using the combined property areas. Storage shall be computed as described herein. If tributary areas are not developed, a reasonable fully developed land cover shall be assumed for the purposes of computing storage.
5. Once the necessary combined storage is computed, the Village may choose to pay for oversizing the Applicant's detention basin to accommodate the regional flows. The Applicant's responsibility will be limited to the storage for his property as computed in Section 1.418-a-1 above. If regional storage is selected by the Village, then the design produced in Section 1.418-a-3 above shall be implemented. If regional storage is rejected by the Village, the Applicant has the option of bypassing all tributary area flows around the Applicant's basin. If the Applicant chooses to route them through his basin and the upstream areas exceed one-square mile in size, the Applicant must meet the provisions of on-stream basins.

b. Upstream Areas Meeting Code Requirements

When there are areas which meet the storage and release rate requirements of this Ordinance tributary to the Applicant's property, the upstream flows shall either be bypassed around the

Applicant's detention basin or be routed through the Applicant's detention basin at the discretion of the Village. Storage needed for the Applicant's property shall still be computed as described above. However, if the Village decides to route tributary area flows through an Applicant's basin, the final design stormwater releases shall be based on the combined total of the Applicant's property plus tributary areas.

1.419 Early Completion of Detention Facilities

Where detention, retention, or depressional storage areas are to be used as part of the drainage system for a property, they shall be completed before general property grading begins. This is to ensure that if soil erosion and sediment control practices are not adequately implemented, any eroded sediment will be captured in these areas and will have to be removed by the Applicant before project completion.

1.420 Fee In Lieu of Detention

- a. All developments which are two (2) acres and under in size shall have the option of paying a fee in lieu of installing detention facilities on the property, unless specifically directed otherwise by the Director. The Village shall also have the option for larger properties of requiring a fee in lieu of the Applicant building a basin on-site, provided the property will discharge stormwater to the Village's storm sewer system.
- b. In instances where regional benefits and economies of scale can be achieved, it will be permissible, and may be required, for adjacent properties to utilize a common regional detention basin. Applicant shall have the option of paying a fee in lieu of required detention so that the Village can build regional facilities.
- c. The required fee shall be as provided in the Flossmoor Municipal Code.

Article IV. EROSION CONTROL REGULATIONS

1.501 General Criteria and Standards

The following general principles shall apply to any movement of earth and any sedimentation and erosion control plan and the granting of a permit for the execution of said plan as hereinafter provided:

- a. The smallest practical area of land shall be exposed be exposed at any given time during development.
- b. Such minimum area exposure of excavation shall be kept to as short a duration of time as is practical.
- c. Temporary vegetation and, where appropriate, mulching or other soil stabilization measures shall be used to protect areas exposed development, including temporary stock piles of earth. Such temporary stabilization shall be applied to exposed areas within fifteen (15) days, including areas not at final grade but which will remain undisturbed for longer than sixty (60) days.
- d. Sediment basins, debris basins, desilting basins, or silt trap shall be installed prior to the initiation of grading activities and shall be maintained to remove sediment from runoff waters from land undergoing development.
- e. Provision shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- f. Permanent, final plant covering or structures shall be installed as soon as possible.
- g. The plan of development shall conform as closely as possible to the topography and soils of the site so that the lowest potential for erosion is created.
- h. Natural plant covering shall be retained and protected so far as is consistent with developing the site.
- i. Site improvements and structures shall be in accordance with the Building Code, this Ordinance and other Village ordinances.

1.502 Standards for Design

The provisions of "The Illinois Urban Manual" (NRCS 2002) and as amended is hereby incorporated into this Ordinance and made a part hereof by this reference, for purpose of clarifying the considerations and factors which should enter into the preparation of a site plan for any development.

1.503 Standards for Conducting Improvement Work

- a. **APPLICABILITY:** All earth-moving and grading operations not specifically exempted by the provisions of this Ordinance shall comply with the applicable standards and requirements set forth in this Article in addition to all other requirements of this Ordinance and any other ordinances. Further, all necessary sedimentation measures shall be inspected and approved before additional site grading is authorized.

- b. **HANDBOOKS ADOPTED BY REFERENCE:** Soil erosion and sedimentation control measures shall be designed and implemented consistent with "The Illinois Urban Manual" (NRCS, 2002) and as amended. In the event of conflict between provisions of said "Handbook" and other provisions of this Ordinance, said provisions of this Ordinance shall govern.

1.504 Activities in Floodways

- a. For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the Applicant.
- b. For all activities in the floodway, including grading, filling, and excavation, in which there is potential for erosion of exposed soil, soil erosion and sedimentation control measures shall be employed consistent with the following criteria:
 - 1. The construction area shall be minimized to preserve the maximum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed, or disturbed more than fifteen (15) days prior to the initiation of improvements.
 - 2. Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. As a minimum, soil stabilization shall be provided within fifteen (15) days after final grade is reached on any portion of the site, and within fifteen (15) days after final grade is reached on any portion of the site, and within fifteen (15) days to denuded areas which may not be at final grade but will remain undisturbed for longer than sixty (60) days.
 - 3. Sedimentation control measures shall be installed before any significant grading or filling is initiated on the site to prevent the movement of eroded sediments off site or into the channel. Potential sediment control devices include filter fences, straw bale fences, check dams, diversion ditches, and sediment basins.
 - 4. A vegetated buffer strip of at least twenty-five (25) feet in width shall be preserved and/or reestablished, where possible, along existing channels. Construction vehicle use of channels shall be minimized. Temporary stream crossings of nonerodible materials shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be restabilized immediately.

1.505 Special Precautions

- a. If at any stage of grading operations the Director determines by inspection that the nature of the soil conditions is such that further work is likely to imperil any property, public way, watercourse or drainage structure, the Director may require, as a condition to allowing the work to be done, that such reasonable safety precautions be taken as he considers advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, specifying a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and reports of a Soils Engineer and/or of a Engineering Geologist whose recommendations may be made requirements of further work.
- b. Where it appears that storm damage may result because the grading is not complete, work may be stopped and the permittee required to install temporary planting to control erosion, install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large operations or where unusual site conditions prevail, the Director may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to insure completion of protective measures or devices prior to the advent of seasonal rains.

Article VI. ASSURANCES OF COMPLETION

1.601 Assurances Required

A permit shall not be issued for any improvements regulated by this Ordinance when the cost of all site work is in excess of \$1,000 unless the Permittee shall first post with the Village a cash bond or a bond executed by the Permittee and a corporate surety authorized to do business in Illinois as a surety or other assurance device in an amount sufficient to cover the cost of the project site work as determined by the Village. The assurance device shall be in a form approved by the Village Attorney.

1.602 Conditions

Every bond shall include the conditions that the Permittee shall:

- a. Comply with all of the provisions of this Ordinance, applicable laws, and other ordinances.
- b. Comply with all of the terms and conditions of the permit for the work to the satisfaction of the Director.
- c. Complete all of the work contemplated under the permit within the time limit specified in the permit. The Director may, for sufficient cause, extend the time specified in the permit but no such extension shall release the surety upon the bond.

1.603 Failure to Complete Work

The term of each assurance device shall begin upon the date of the permit approval and shall remain in effect until the completion of the work to the satisfaction of the Village. In the event of failure to complete the work and failure to comply with all conditions and terms of the permit, the Director may order the work required by the permit to be completed to his satisfaction and shall notify the surety of the default in writing. The surety executing such assurance device shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the Village in causing any and all such required work to be done. In the case of a cash deposit, said deposit or any unused portion thereof shall be refunded to the Permittee.

1.604 Assurance Through Loan Commitment

In lieu of providing assurance of construction in the manner provided in Section 1.601, the Permittee may provide assurance of construction for improvements by delivering to the Village, prior to the issuance of a permit, an appropriate agreement between an approved lending institution and the Permittee, stating that funds sufficient to cover the entire cost of performing the proposed work, including engineering and inspection costs and in an amount approved by the Director, have been deposited with such approved lending institution, or have been committed to be loaned by such lending institution to the Permittee. Such agreement shall provide that such funds in the stated amount are specifically allocated, and will be used by the permittee, or on his behalf, only for the purpose of performing the improvements. The Village shall be the beneficiary of such agreement and the Director shall approve each disbursement of any such funds. The agreement shall also contain such terms, conditions and provisions as reasonably determined to be necessary by the Village Attorney.

1.605 Exceptions

The Requirements for assurances may be waived by the Village under the following conditions:

- a. The Permittee is a Municipal, County or State department whose functions require the installation and/or maintenance of public improvements.
- b. The Permittee is a corporation whose franchise with the Village empowers it to make its own surface restoration, but such permits will be issued only when the restoration work keeps fully apace with surface openings being made. Such corporations shall pay promptly all bills for inspection at scheduled rates and all bills for restoration done by Village forces.
- c. The Permittee is a developer who has currently in existence assurance satisfactory to the Village under the provisions of the Subdivision Regulations provided the proposed improvements do not exceed the scope of the improvement for which such assurances were accepted.

Article VII. INSPECTIONS AND TESTING

1.701 Consent for Inspections

All work for which a permit is required shall be subject to inspection by the Village. It shall be unlawful to refuse to permit Village authorized personnel to enter such premises or structure at any reasonable time to make inspections. It shall be unlawful to interfere with or hinder Village inspectors when in the performance of their duties. An application for a permit shall constitute the Permittee's continuing consent to allow the Village to enter upon the land or improvement for purposes of making inspections as provided in these Regulations.

1.702 Surveillance to be Provided

The Village shall provide for surveillance, at the discretion of the Director, of all improvements being installed, which are regulated by this Ordinance and assure their satisfactory completion. The Permittee shall pay to the Village the actual cost for providing the construction surveillance service when the performance of such is required by personnel other than Village employees. In cases of larger projects, such as subdivision developments, the Permittee may be required to provide construction surveillance services by contract with a professional firm qualified to perform such services. The selection of the firm, the scope of services and the assignment of personnel under such arrangements shall be subject to approval by the Director.

1.703 Testing Required

When deemed necessary by the Village, materials and/or compaction shall be tested in accordance with the requirements of the Director. Such testing, if not conducted by Village employees, shall be performed by a qualified testing service to be approved in advance by the Director. The results of all tests shall be provided to the Village promptly upon completion.

1.704 Cost for Testing

The cost of materials testing or compaction testing, as may be required by the Village, shall be charged to the Permittee and such charges shall be promptly paid.

1.705 Exceptions

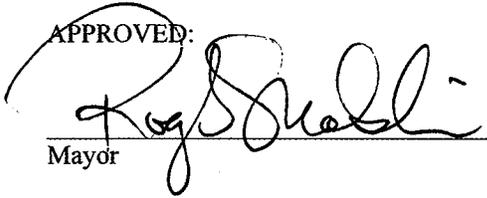
Nothing in this Article shall be construed to require surveillance by the Village or the payment of inspection fees for materials or workmanship for the actual installation, replacement, maintenance or repair of utility distribution paraphernalia when such work is performed by a corporation franchised by the Village to supply or convey gas, electricity or communication impulse. Village inspection and the payment of inspection fees will be required for all excavation, backfill, compaction and surface restoration associated with or necessitated by such utility work when performed within a Special Flood Hazard Area or watercourse of any type.

Stormwater Management Ordinance (6/30/08)

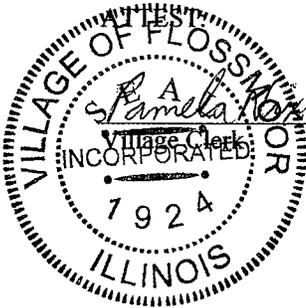
PASSED this 4th day of August, 2008.

AYES: Trustees Braun, Crum, Minga and Mitros
NOES: None
ABSENT: Trustees Hoag and Williams
ASTAINED: None
PASSED: August 4, 2008
APPROVED: August 4, 2008
PUBLISHED IN PAMPHLET FORM: August 5, 2008

APPROVED:



Mayor



Pamela Axon by A. B. ..., Deputy Clerk