

CODIFIED ORDINANCES OF ELBURN

PART FOURTEEN - BUILDING AND HOUSING CODE

TITLE TWO - Building Standards

- Chap. 1420. International Residential Code for One- and Two-Family Dwellings.
- Chap. 1422. International Building Code.
- Chap. 1424. State of Illinois Plumbing Code.
- Chap. 1426. International Mechanical Code.
- Chap. 1428. National Electrical Code.

TITLE FOUR - Building Administration

- Chap. 1440. Building Department.
- Chap. 1442. Permits, Certificates and Fees.
- Chap. 1444. School Development Impact Fees.

TITLE SIX - Miscellaneous Building Regulations

- Chap. 1460. Dangerous Buildings.
- Chap. 1462. Fences.
- Chap. 1464. Flood Damage Prevention.
- Chap. 1466. Grading.
- Chap. 1468. Lowland Conservancy Overlay District.
- Chap. 1470. Mobile Home Parks.
- Chap. 1472. Moving of Buildings.
- Chap. 1474. Numbering of Buildings.
- Chap. 1476. Signs. (Repealed)
- Chap. 1477. Soil Erosion and Sedimentation Control.
- Chap. 1478. Stormwater Drainage and Detention.

TITLE EIGHT - Housing

- Chap. 1480. International Property Maintenance Code.

CODIFIED ORDINANCES OF ELBURN

PART FOURTEEN - BUILDING AND HOUSING CODE

TITLE TWO - Building Standards

- Chap. 1420. International Residential Code for One- and Two-Family Dwellings.
 Chap. 1422. International Building Code.
 Chap. 1424. State of Illinois Plumbing Code.
 Chap. 1426. International Mechanical Code.
 Chap. 1428. National Electrical Code.

CHAPTER 1420

International Residential Code for One- and Two-Family Dwellings

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|--------------------------------|--|
| 1420.01 2000 edition adoption. | 1420.05 Violations; abatement;
separate offenses. |
| 1420.02 Application of Code. | 1420.06 Fees. |
| 1420.03 File copies. | 1420.99 Penalty. |
| 1420.04 Conflict of laws. | |

CROSS REFERENCES

- Adoption of codes and public records by reference - see 65 ILCS 5/1-3-2 et seq.
 Power to regulate construction of buildings - see 65 ILCS 5/11-30-4
 Unsafe buildings - see 65 ILCS 5/11-31-1, 11-31-2; B. & H. Ch. 1460
 Code violations - see 65 ILCS 5/11-31.1-1 et seq.
 Permitted hours for construction activity; declaration of nuisance - see
 GEN. OFF. 656.09; 656.12
 Building Department - see B. & H. Ch. 1440
 Permits, certificates and fees - see B. & H. Ch. 1442

1420.01 2000 EDITION ADOPTION.

That certain document marked and designated as the 2000 International Residential Code for One- and Two-Family Dwellings, as from time to time amended, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041-3401, is hereby adopted as the Building Code of the Village, save and except for such portions thereof as are amended or repealed as follows:

CHAPTER 1: ADMINISTRATION

1. Delete R105.2 Work exempt from permit.
2. Delete R105.2.3 Public service agencies.

CHAPTER 2: DEFINITIONS

1. Change the stated term “Manufactured Home” to “Manufactured/Mobile Home”.
2. Delete the stated definition of “Townhouse” and insert therefor: “Townhouse/Row-house/Duplex.” A townhouse/row-house/duplex or structure by any name performing the same function as a single-family dwelling unit attached to another dwelling unit only on the horizontal plane. Each unit shall extend from the foundation to the roof and provide open space on at least two (2) sides. The number of single-family dwelling units shall not exceed six (6).

CHAPTER 3: BUILDING PLANNING

2. Delete Exception under R302.1 Exterior walls.
Exception: Tool and storage sheds, playhouses and similar structures exempted from permits by section R105.2 are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
3. Delete R309.1 Opening protection. Insert therefor:
R309.1 Opening Protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1-3/8 inches (35 mm) thick, solid or honeycomb core steel doors not less than 1-3/8 inches (35 mm) thick, or 20-minute fire-rated doors. All such doors shall be equipped with self-closing hinges approved by the Building Official.
4. Delete R309.2 Separation required. Insert therefor:
R309.2 Separation required. The following requirements for separation between the garage and the residence shall be as follows:
 1. The garage shall be separated from the residence and its attic area by not less than 5/8-inch (15.8 mm) Type X gypsum board applied to the garage side and taped with a minimum one coat

of approved joint tape and compound. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8-inch (15.8 mm) Type X gypsum board or equivalent, with one coat of approved joint tape and compound.

2. The garage floor shall be poured a minimum of four (4) inches (102 mm) below the top of the foundation to form a gas curb on three walls of the garage abutting the house.

6. Delete R310.1 Emergency escape and rescue required. Insert therefor:
R310.1 Emergency escape and/or rescue required. All basements and sleeping rooms shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. Where openings are provided as a means of escape and rescue, they shall have a sill height of not more than 44 inches above the finished floor. Where a window is provided as a means of egress and rescue from a basement or basement bedroom, they shall have a sill height of not more than 36 inches above the finished floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the window or door opening from the inside. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

7. Delete R310.2.1 Ladder and steps. Insert therefor:
R310.2.1 Ladder and steps. Window wells with a vertical depth greater than 36 inches below the adjacent ground level shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Section R314 and R315. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project at least 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well.

8. Delete R311.1 Exit door required. Insert therefor:
R311.1 Exit doors required. Not less than two (2) exit doors conforming to this chapter shall be provided from each dwelling

unit. Both required exit doors shall provide for direct access from the habitable portions of the dwelling to the exterior without requiring travel through the garage.

9. Delete second Exception under Section R312.1.2: Landings at doors.
10. Delete R312.2 Size. Insert therefor:
R312.2 Size. The width of each landing shall not be less than 36 inches (914 mm). Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.
12. Delete R317.1 Single- and multiple-station smoke alarms. Insert therefor:
R317.1 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be installed in the following locations:
 1. In each sleeping room.
 2. Outside of each separate sleeping area within 15 feet of all bedrooms.
 3. On each additional story of the dwelling, including basements and cellars but not including crawl spaces without mechanical equipment, and uninhabitable attics.

When more than one smoke alarm is required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all the alarms in the dwelling unit. The alarm shall be clearly audible in all bedrooms over background noise levels, with all intervening doors closed.

All smoke alarms shall be listed and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.
13. Delete R321.1 Two-Family Dwellings.
14. Delete R321.1.1 Supporting Construction.
15. Delete R321.2 Townhouses. Insert therefor:
R321.2 Townhouses/Row-houses/Duplexes. Each townhouse/rowhouse/duplex, as defined in this amended code, shall be constructed as a separate, single-family dwelling unit with a minimum of a two (2) hour fire resistant solid masonry wall between all units extending from the top of the foundation to the roof sheathing and shall extend the full length of the common wall between all units. The number of single-family dwelling units attached in this manner shall not exceed six (6).

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16. Delete R3231.1 Ground Contact. Insert therefor:
R323.1.1 Ground Contact. All wood in contact with the ground and that supports permanent structures intended for human occupancy shall be prohibited.
Exception:
 1. Treated wood poles used to build pole building type structures only as approved by the Building Official.

17. Delete R323.1.3 Posts, Poles and Columns. Insert therefor:
R323.1.3 Posts, poles and columns. Posts, poles and columns supporting permanent structures that are embedded in concrete in direct contact with the ground or embedded in concrete exposed to the weather shall be prohibited.
Exception:
 1. Treated wood poles used to build pole building type structures only as approved by the Building Official.

CHAPTER 4 FOUNDATIONS

1. Delete R401.1 Application. Insert therefor:
Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. Wood foundations shall not be permitted.

2. Delete R402.1 Wood foundations.

3. Delete R402.1.1 Fasteners.

4. Delete R402.1.2 Wood treatment.

5. Delete R403.1.1 Minimize Size. Insert therefor:
R403.1.1 Minimum Size. Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure 403.1(1). Minimum footing width for one- and two-family homes shall be twice the width of the foundation wall it is supporting, or a minimum of 18 inches (457 mm) wide; whichever is greater. Minimum footing thickness (height) shall be 8 inches (203 mm) or the same depth as the wall thickness; whichever is greater. All footings shall provide a keyway (notch) for the wall to interlock with when the foundation wall is placed on the footing. The keyway shall be installed in the center of the footing and the foundation wall shall rest on the center of the footing providing equal projection on both sides of the foundation wall. The Building Official may approve alternative methods of construction if a structural engineer or a licensed architect provides proper calculations for the alternative

form of construction.

2004 Replacement

6. Delete Table R403.1 Minimum Width of Concrete or Masonry Footings (inches).
7. Delete Figure R403.1(2) Permanent Wood Foundation Basement Wall section.
8. Delete Figure R403.1(3) Permanent Wood Foundation Crawl Space section.
9. Delete R403.2 Footings for wood foundations.
10. Insert R404.1.2.1 Horizontal reinforcement.
R404.1.2.1 Horizontal reinforcement. All new concrete foundation walls shall provide minimum horizontal reinforcement with two (2) steel rebar rods (#4) continuous the full perimeter of the foundation wall. All steel rebar rods shall be overlapped a minimum of 30 inches (762 mm). The steel rebar shall be placed in the upper section of the wall.
11. Delete R404.2 Wood foundation walls.
12. Delete Table R404.2.3d.
13. Delete R405.2 Wood foundations.
13. Delete R406.3 Damp proofing for wood foundations.
14. Insert R408.4.1 Crawl space floor.
R408.4.1 Crawl space floor. A minimum thickness of 2 inches (51 mm) of poured concrete shall be installed over a minimum of 4 inches (102 mm) of stone in all crawl spaces. A polyethylene film moisture barrier with a minimum thickness of 6 mil shall be installed under the crawl space floor with all joints lapped a minimum of 6 inches (152 mm). The crawl space floor shall be constructed as to facilitate the drainage of all liquids towards the required floor drain in the basement floor. The Building Official or the Village Engineer may approve an alternative method of drainage.

CHAPTER 5 FLOORS

1. Delete Section R502.7.1 Bridging. Insert therefor:
R502.7.1 Bridging. Joists shall be supported laterally by solid blocking, diagonal bridging (wood or metal) at intervals not exceeding 8 feet (2438 mm). The Building Official may approve alternative methods of bridging.

2004 Replacement

2. Delete Section R502.11.4 Truss Design Drawings. Insert therefor: R502.11.4 Truss Design Drawings. Truss design drawings shall be submitted to and approved by the Building Official prior to a permit being issued for the structure. All truss design drawings and layouts shall be signed, sealed, and approved by a licensed architect or a structural engineer. Truss design drawings shall include, at a minimum, the information specified below:
 1. Slope or depth, span, and spacing;
 2. Location of all joints;
 3. Required bearing widths;
 4. Design loads as applicable;
 - 4.1 Top cord live load (including snow load);
 - 4.2 Top cord dead load;
 - 4.3 Bottom cord live load;
 - 4.4 Bottom cord dead load;
 - 4.5 Concentrated loads and their points of application;
 - 4.6 Controlling wind and earthquake loads.
 5. Adjustments to lumber and joint connector design values for conditions of use;
 6. Each reaction force and direction;
 7. Joint connector type and description (e.g., size, thickness or gauge) and the dimensioned location of each joint connector except where symmetrically located relative to the joint interface;
 8. Lumber size, species and grade for each member;
 9. Connection requirements for:
 - 9.1 Truss-to-truss girder
 - 9.2 Truss ply-to-ply
 - 9.3 Field splices
 10. Calculated deflection ratio and/or maximum description for live and total load;
 11. Maximum axial compression forces in the truss members to enable the building designer to design the size, connections and anchorage of the permanent, continuous lateral bracing. Forces shall be shown on the truss drawing or on supplemental documents;
 12. Required permanent truss member bracing location; and
 13. Truss layout design.
3. Delete Section R504 Pressure Preserved Treated Wood Floors (on ground).

2004 Replacement

4. Delete Section R506.1 General. Insert therefor:
R506.1 General. Concrete slab-on-ground floors shall be a minimum 4 inches (102 mm) thick (for expansive soils, see Section R403.1.8). The specified compressive strength of concrete shall be as set forth in Section R402.2.
5. Delete Section R506.2.1 Fill. Insert therefor:
R506.2.1 Fill. Fill material shall be free of vegetation and foreign material. The sub-base for poured concrete floors shall be undisturbed inorganic soil unless otherwise approved by the Building Official. Alternate fill materials such as clean graded sand, crushed stone or gravel may be used. The use of any soils as fill material is prohibited. All fill material shall be compacted to assure uniform support of the slab. Any practice of soaking the fill within this area shall be done in strict conformance with local water conservation restrictions. All water used on-site shall be metered at all times.
6. Add Section R506.2.1.1 Garage floor reinforcement.
R506.2.1.1 Garage floor reinforcement. All garage floors, in which, do not rest on a foundation wall ledge a minimum of 4 inches (102 mm) in width, shall be structurally reinforced with steel rebar pins into the foundation wall. Steel rebar (#4) shall be pinned into the foundation wall every 24 inches (610 mm) on center. Steel rebar shall be pinned into the foundation wall a minimum of 4 inches (102 mm) and extend into the garage floor a minimum of 24 inches (610 mm). All garage floors are required to be reinforced with a 6 X 6 welded wire woven fabric embedded in the mid-cross section of the slab. The Building Official may approve fiber mesh or other alternative reinforcement methods.

CHAPTER 6 WALL CONSTRUCTION

1. Delete R602.2 Grade. Insert therefor:
R602.2 Grade. Studs shall be a minimum No. 2, standard or stud grade lumber.

CHAPTER 7 WALL COVERING

1. No changes to this chapter.

2004 Replacement

CHAPTER 8 ROOF-CEILING CONSTRUCTION

1. Delete Section R802.10.1 Truss design drawings. Insert therefor: R802.10.1 Truss design drawings. (See Section R502.11.4, as amended by this chapter.)

CHAPTER 9 ROOF ASSEMBLIES

1. No changes to this chapter.

CHAPTER 10 CHIMNEYS AND FIREPLACES

1. Delete Section R1001.6 Termination. Insert therefor: R1001.6 Termination. Chimneys shall extend at least 2 feet (610 mm) higher than any portion of a building within 10 feet (3048 mm), but shall not be less than 3 feet (914 mm) above the point where the chimney passes through the roof. All wood or solid fuel burning fireplaces and stoves shall be equipped with an approved and labeled spark arrestor.

CHAPTER 11 ENERGY EFFICIENCY

1. No changes to this chapter.

CHAPTER 12 MECHANICAL ADMINISTRATION

1. No changes to this chapter.

CHAPTER 13 GENERAL MECHANICAL SYSTEM REQUIREMENTS

1. No changes to this chapter.

CHAPTER 14 HEATING AND COOLING EQUIPMENT

1. No changes to this chapter.

CHAPTER 15 EXHAUST SYSTEMS

1. No changes to this chapter.

CHAPTER 16 DUCT SYSTEMS

1. No changes to this chapter.

2004 Replacement

CHAPTER 17 COMBUSTION AIR

1. No changes to this chapter.

CHAPTER 18 CHIMNEYS AND VENTS

1. No changes to this chapter.

CHAPTER 19 SPECIAL FUEL-BURNING EQUIPMENT

1. No changes to this chapter.

CHAPTER 20 BOILERS/WATER HEATERS

1. No changes to this chapter.

CHAPTER 21 HYDRONIC PIPING

1. No changes to this chapter.

CHAPTER 22 SPECIAL PIPING AND STORAGE SYSTEMS

1. No changes to this chapter.

CHAPTER 23 SOLAR SYSTEMS

1. No changes to this chapter.

CHAPTER 24 FUEL GAS

1. No changes to this chapter.

CHAPTER 25 - 32 PLUMBING

1. Delete Chapters 25 through 32. Insert therefor:
Refer to the current edition of the State of Illinois Plumbing Code,
as from time to time amended.
Refer to local amendments and applicable Ordinances.

CHAPTERS 33 - 42 ELECTRICAL

1. No changes to these chapters.

2004 Replacement

CHAPTER 43 REFERENCED STANDARDS

1. No changes to this chapter.

APPENDICES

1. No changes to the Appendices.

CONFLICTS WITH OTHER PROVISIONS.

When amendments to these chapters conflict with any other provisions of this code regulating the same subject matter, the more stringent or restrictive provision shall apply.

When any local ordinance for the Village of Elburn conflicts with any part of this code or the amendments thereof, the more stringent or restrictive provision shall apply.

(Ord. 2003-24. Passed 10-20-03.)

1420.02 APPLICATION OF CODE.

The 2000 International Residential Code for One- and Two-Family Dwellings, as from time to time amended, as adopted in Section 1420.01, shall be applicable to all one- and two-family dwellings in the Village.

(Ord. 2003-24. Passed 10-20-03.)

1420.03 FILE COPIES.

At least two copies of the International Residential Code, as adopted in Section 1420.01, shall be kept on file in the office of the Village Clerk, and there kept available for public use, inspection and examination.

(Ord. 2003-24. Passed 10-20-03.)

1420.04 CONFLICT OF LAWS.

(a) In the event of a conflict between any of the provisions of the International Residential Code, as adopted in Section 1420.01, and any provision of these Codified Ordinances, or any other local ordinance or resolution, the local provision shall control.

(b) In the event of a conflict between any of the provisions of such Code and any provision of State law, the State law shall control.

(c) In the event of a conflict between any of the provisions of such Code and a provision of any other technical code adopted or referred to by the Village as a standard, the higher or stricter standard shall control.

(Ord. 2003-24. Passed 10-20-03.)

2004 Replacement

1420.05 VIOLATIONS; ABATEMENT; SEPARATE OFFENSES.

(a) No person shall erect, construct, occupy or maintain any building or other structure in violation of any of the provisions of the International Residential Code, as adopted in Section 1420.01, or cause, permit or suffer any such violation to be committed.

(b) It is the responsibility of the offender to abate the violation as expeditiously as possible, and each day during which such violation is permitted to continue shall constitute a separate offense.

(Ord. 2003-24. Passed 10-20-03.)

1420.06 FEES.

Notwithstanding anything to the contrary in the International Residential Code, as adopted in Section 1420.01, fees to be charged for inspections and issuance of building permits shall be as specified in Section 1442.04 of these Codified Ordinances. (Ord. 89-13. Passed 10-2-89; Ord. 2003-24. Passed 10-20-03.)

1420.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

2004 Replacement

CHAPTER 1422
International Building Code

1422.01	2003 edition adopted.	1422.05	Violations; abatement; separate offenses.
1422.02	Application of Code.	1422.06	Fees.
1422.03	File copies.	1422.99	Penalty.
1422.04	Conflict of laws.		

CROSS REFERENCES

Adoption of codes and public records by reference - see 65 ILCS 5/1-3-2 et seq.

Power to regulate construction of buildings - see 65 ILCS 5/11-30-4

Unsafe buildings - see 65 ILCS 5/11-31-1, 11-31-2; B. & H. Ch. 1460

Code violations - see 65 ILCS 5/11-31.1-1 et seq.

Permitted hours for construction activity; declaration of nuisance - see
GEN. OFF. 656.09; 656.12

Building Department - see B. & H. Ch. 1440

Permits, certificates and fees - see B. & H. Ch. 1442

1422.01 2003 EDITION ADOPTED.

That certain document marked and designated as the 2003 International Building Code, as from time to time amended, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041-3401, is hereby adopted as the Building Code of the Village, save and except for such portions thereof as may be amended or repealed in this chapter.

(Ord. 2003-24. Passed 10-20-03.)

1422.02 APPLICATION OF CODE.

The International Building Code, as adopted in Section 1422.01, shall be applicable to all industrial, storage, business, multi-family, (excepting two-family dwellings), institutional, commercial and public buildings and improvements in the Village.

(Ord. 2003-24. Passed 10-20-03.)

1422.03 FILE COPIES.

At least three copies of the International Building Code, as adopted in Section 1422.01, shall be kept on file in the office of the Village Clerk, and there kept available for public use, inspection and examination.

(Ord. 2003-24. Passed 10-20-03.)

2004 Replacement

1422.04 CONFLICT OF LAWS.

(a) In the event of a conflict between any of the provisions of the International Building Code, as adopted in Section 1422.01, and any provision of these Codified Ordinances, or any other local ordinance or resolution, the local provision shall control.

(b) In the event of a conflict between any of the provisions of such Code and any provision of State law, the State law shall control.

(c) In the event of a conflict between any of the provisions of such Code and a provision of any other technical code adopted or referred to by the Village as a standard, the higher or stricter standard shall control.

(Ord. 2003-24. Passed 10-20-03.)

1422.05 VIOLATIONS; ABATEMENT; SEPARATE OFFENSES.

(a) No person shall erect, construct, occupy or maintain any building or other structure in violation of any of the provisions of the International Building Code, as adopted in Section 1422.01, or cause, permit or suffer any such violation to be committed.

(b) It is the responsibility of the offender to abate the violation as expeditiously as possible, and each day during which such violation is permitted to continue shall constitute a separate offense.

(Ord. 2003-24. Passed 10-20-03.)

1422.06 FEES.

Notwithstanding anything to the contrary in the International Building Code, as adopted in Section 1422.01, fees to be charged for inspections and issuance of building permits shall be as specified in Section 1442.04 of these Codified Ordinances.

(Ord. 2003-24. Passed 10-20-03.)

1422.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

2004 Replacement

CHAPTER 1424
State of Illinois Plumbing Code

1424.01	1998 edition adopted.	1424.05	Violations; abatement; separate offenses.
1424.02	Application of Code.	1424.06	Fees.
1424.03	File copies.	1424.99	Penalty.
1424.04	Conflict of laws.		

CROSS REFERENCES

Code violations - see 65 ILCS 5/11-31.1-1 et seq.
 Adoption of codes and public records by reference - see 50 ILCS 200/2
 Municipal regulation - plumbing inspectors - see 225 ILCS 320/18
 Adoption and enforcement of plumbing standards - see 225 ILCS 320/36 et seq.
 Water - see S.U. & P.S. Ch. 1040 et seq.
 Installation of cross-connections - see S.U. & P.S. 1046.01
 Sewers - see S.U. & P.S. Chs. 1060, 1062

1424.01 1998 EDITION ADOPTED.

That certain document marked and designated as the State of Illinois Plumbing Code, (1998), as amended from time to time and as promulgated by the Illinois Department of Public Health, is hereby adopted as the Plumbing Code of the Village, save and except for such portions thereof as may be amended or repealed in this chapter.
 (Ord. 2003-24. Passed 10-20-03.)

1424.02 APPLICATION OF CODE.

The State of Illinois Plumbing Code, as amended from time to time and as adopted in Section 1424.01, shall be applicable to all buildings and improvements in the Village.
 (Ord. 2003-24. Passed 10-20-03.)

1424.03 FILE COPIES.

At least two copies of the State of Illinois Plumbing Code, as adopted in Section 1424.01, shall be kept on file in the office of the Village Clerk and there kept available for public use, inspection and examination.
 (Ord. 2003-24. Passed 10-20-03.)

1424.04 CONFLICT OF LAWS.

(a) In the event of a conflict between any of the provisions of the State of Illinois Plumbing Code, as adopted in Section 1424.01, and any provision of these Codified Ordinances, or any other local ordinance or resolution, the local provision shall control.

2004 Replacement

(b) In the event of a conflict between any of the provisions of such Code and any provision of State law, the State law shall control.

(c) In the event of a conflict between any of the provisions of such Code and a provision of any other technical code adopted or referred to by the Village as a standard, the higher or stricter standard shall control.
(Ord. 2003-24. Passed 10-20-03.)

1424.05 VIOLATIONS; ABATEMENT; SEPARATE OFFENSES.

(a) No person shall erect, use, occupy or maintain any building or other structure in violation of any of the provisions of the State of Illinois Plumbing Code, as adopted in Section 1424.01, or cause, permit or suffer any such violation to be committed.

(b) It is the responsibility of the offender to abate the violation as expeditiously as possible, and each day during which such violation is permitted to continue shall constitute a separate offense.
(Ord. 2003-24. Passed 10-20-03.)

1424.06 FEES.

Notwithstanding anything to the contrary in the State of Illinois Plumbing Code, as adopted in Section 1424.01, fees to be charged for inspections and issuance of plumbing permits shall be as specified in Section 1442.04 of these Codified Ordinances.
(Ord. 2003-24. Passed 10-20-03.)

1424.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

2004 Replacement

CHAPTER 1426
International Mechanical Code

1426.01 2003 edition adopted.	1426.05 Violations; abatement; separate offenses.
1426.02 Application of Code.	1426.06 Fees.
1426.03 File copies.	1426.99 Penalty.
1426.04 Conflict of laws.	

CROSS REFERENCES

Adoption of codes and public records by reference - see 65 ILCS 5/1-3-2 et seq.
Code violations - see 65 ILCS 5/11-31.1-1 et seq.
Building Department - see B. & H. Ch. 1440
Permits, certificates and fees - see B. & H. Ch. 1442

1426.01 2003 EDITION ADOPTED.

That certain document marked and designated as the 2003 International Mechanical Code, as amended from time to time, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041-3401, is hereby adopted as the Mechanical Code of the Village, save and except for such portions thereof as may be amended or repealed in this chapter.
(Ord. 2003-24. Passed 10-20-03.)

1426.02 APPLICATION OF CODE.

The International Mechanical Code, as adopted in Section 1426.01, shall be applicable to all industrial, storage, business, multi-family, institutional, commercial and public buildings and improvements in the Village.
(Ord. 2003-24. Passed 10-20-03.)

1426.03 FILE COPIES.

At least two copies of the International Mechanical Code, as adopted in Section 1426.01, shall be kept on file in the office of the Village Clerk and there kept available for public use, inspection and examination.
(Ord. 2003-24. Passed 10-20-03.)

1426.04 CONFLICT OF LAWS.

(a) In the event of a conflict between any of the provisions of the International Mechanical Code, as adopted in Section 1426.01, and any provision of these Codified Ordinances, or any other local ordinance or resolution, the local provision shall control.

(b) In the event of a conflict between any of the provisions of such Code and any provision of State law, the State law shall control.

2004 Replacement

(c) In the event of a conflict between any of the provisions of such Code and a provision of any other technical code adopted or referred to by the Village as a standard, the higher or stricter standard shall control.

(Ord. 2003-24. Passed 10-20-03.)

1426.05 VIOLATIONS; ABATEMENT; SEPARATE OFFENSES.

(a) No person shall erect, use, occupy or maintain any building or structure in violation of any of the provisions of the International Mechanical Code, as adopted in Section 1426.01, or cause, permit or suffer any such violation to be committed.

(b) It is the responsibility of the offender to abate the violation as expeditiously as possible, and each day during which such violation is permitted to continue shall constitute a separate offense.

(Ord. 2003-24. Passed 10-20-03.)

1426.06 FEES.

Notwithstanding anything to the contrary in the International Mechanical Code, as adopted in Section 1426.01, fees to be charged for inspections and issuance of mechanical permits shall be as specified in Section 1442.04 of these Codified Ordinances.

(Ord. 2003-24. Passed 10-20-03.)

1426.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

2004 Replacement

CHAPTER 1428
National Electrical Code

1428.01	1999 edition adopted.	1428.05	Violations; abatement; separate offenses.
1428.02	Application of Code.	1428.06	Fees.
1428.03	File copies.	1428.99	Penalty.
1428.04	Conflict of laws.		

CROSS REFERENCES

Incorporation of technical codes and public records by reference - see
65 ILCS 5/1-3-1 et seq.; 50 ILCS 220/1 et seq.
Adoption of codes and public records by reference - see 65 ILCS 5/1-3-2 et seq.
Code violations - see 65 ILCS 5/11-31.1-1 et seq.
Registration of electrical contractors - see 65 ILCS 5/11-33-1
Power to regulate and inspect electrical equipment - see 65 ILCS 5/11-37-1
et seq.
Tampering with or bypassing meters - see 720 ILCS 285/117

1428.01 1999 EDITION ADOPTED.

That certain document marked and designated as the 1999 National Electrical Code, as promulgated by the National Fire Protection Association, is hereby adopted as the Electrical Code of the Village, save and except for such portions thereof as may be amended or repealed in this chapter.
(Ord. 2003-24. Passed 10-20-03.)

1428.02 APPLICATION OF CODE.

The National Electrical Code, as adopted in 1428.01, shall be applicable to all industrial, storage, business, multi-family, institutional, commercial and public buildings and improvements in the Village.
(Ord. 2003-24. Passed 10-20-03.)

2004 Replacement

1428.03 FILE COPIES.

At least three copies of the National Electrical Code, as adopted in Section 1428.01, shall be kept on file in the office of the Village Clerk and there kept available for public use, inspection and examination.

(Ord. 2003-24. Passed 10-20-03.)

1428.04 CONFLICT OF LAWS.

(a) In the event of a conflict between any of the provisions of the National Electrical Code, as adopted in Section 1428.01, and any provision of these Codified Ordinances, or any other local ordinance or resolution, the local provision shall control.

(b) In the event of a conflict between any of the provisions of such Code and any provision of State law, the State law shall control.

(c) In the event of a conflict between any of the provisions of such Code and a provision of any other technical code adopted or referred to by the Village as a standard, the higher or stricter standard shall control.

(Ord. 2003-24. Passed 10-20-03.)

1428.05 VIOLATIONS; ABATEMENT; SEPARATE OFFENSES.

(a) No person shall erect, use, occupy or maintain any building or structure in violation of any of the provisions of the National Electrical Code, as adopted in Section 1428.01, or cause, permit or suffer any such violation to be committed.

(b) It is the responsibility of the offender to abate the violation as expeditiously as possible, and each day during which such violation is permitted to continue shall constitute a separate offense.

(Ord. 2003-24. Passed 10-20-03.)

1428.06 FEES.

Notwithstanding anything to the contrary in the National Electrical Code, as adopted in Section 1428.01, fees to be charged for inspections and issuance of electrical permits, shall be as specified in Section 1442.04 of these Codified Ordinances.

(Ord. 2003-24. Passed 10-20-03.)

1428.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

TITLE FOUR - Building Administration
 Chap. 1440. Building Department.
 Chap. 1442. Permits, Certificates and Fees.
 Chap. 1444. School Development Impact Fees.

CHAPTER 1440
 Building Department

1440.01 Building Commissioner.	1440.05 Reporting of violations to
1440.02 Duties of Superintendent of	licensing authorities.
Public Works.	1440.06 Compliance required.
1440.03 Building Inspector.	1440.99 Penalty.
1440.04 Village Plan Examiner.	

CROSS REFERENCES

Department of Public Works - see ADM. Ch. 244
 Building permits, certificates and fees - see B. & H. Ch. 1442
 Development permits in flood hazard areas - see B. & H. 1464.06(a),
 1464.07(a), 1464.08(a)
 Permitted hours for construction activity; declaration of nuisance -
 see GEN. OFF. 656.09
 Building permits for mobile home parks - see B. & H. 1470.06

1440.01 BUILDING COMMISSIONER.

(a) The Building Commissioner shall review building permit applications, and shall submit a copy of the application plans and specifications, including plans for public improvements, to the Village Plan Examiner, and, if necessary, to the Superintendent of Public Works and the Village Engineer. For commercial, industrial, and multifamily projects, a copy of the plans shall also be submitted to the Fire Chief of the Elburn and Countryside Fire Protection District. No permit shall be issued until each of said individuals has determined that said plans and specifications are in compliance with all Village ordinances, including Elburn and Countryside Fire Protection District Prevention Ordinance 87-9, as adopted in Section 1620.01 of the Fire Protection Code. Each of said individuals, when required, shall note on the copy of the plans submitted to him or her whether the plans are in compliance with said ordinances. If each of said individuals has determined that said plans are not in

compliance, he or she shall so note the items of noncompliance. That individual's copy of the plans shall be returned to the Building Enforcement Officer.

(b) The Building Commissioner shall, upon receipt of the reviewed plans, specifications, and application, return both copies of the plans to the applicant for correction if necessary.

(c) Upon the applicant's return of the corrected plans to the Village, the Building Commissioner shall return the corrected plans to the Plan Examiner and, if necessary, to the Superintendent of Public Works, the Village Engineer and the Fire Chief, to determine if the plans are in compliance.

(d) If the plans and specifications are in compliance with the aforesaid ordinances, a building permit shall be issued upon payment by the applicant of the building permit fee and water and sewer connection and/or tap-on fees, if any. A copy of the approved application shall be kept on file. A copy of all approved applications for commercial and residential buildings and additions shall be forwarded to the Fire Chief of the Elburn and Countryside Fire Protection District.

(e) The Building Commissioner shall be notified by the applicant as each phase of the construction is completed so that inspections of said improvements may be made and conducted by the Building Inspector, the Village Superintendent and/or the Supervisor of Public Works, and the Fire Chief, as the case may be. The applicant shall give said notice at least 24 hours in advance of the time that he or she desires the inspection to be made. No inspections will be scheduled on Saturdays, Sundays, or holidays without prior approval of the Village Administrator.

At each inspection, the applicant shall present to the Building Inspector, the Village Superintendent and/or the Supervisor of Public Works, and the Fire Chief, as the case may be, a copy of the building plans bearing the original signature of the Building Inspector. If a signed copy of the building plans is not presented on demand to the Village, the applicant shall arrange for a re-inspection and shall pay a re-inspection fee.

- (f) The following provisions relate to the issuance of a certificate of occupancy:
- (1) An occupancy permit shall be issued for any improvements until said improvements have been completed and have received a satisfactory inspection by the Building Inspector, the Superintendent of Public Works, and the Fire Chief, when applicable.
 - (2) The Building Commissioner shall cause to be filed with the Township Assessor's office a certified copy of the certificate of occupancy after said certificate is issued.

- (3) Multiple unit structures shall be deemed initially occupied or initially used when the first unit is occupied or used.
- (4) A copy of the occupancy permit shall be retained by the Village Clerk. No occupancy permit shall be issued unless the applicant has paid all costs, expenses, and fees required to be paid by said applicant per the provisions of this Building and Housing Code.

(g) The Building Commissioner shall review the building permit applications for new construction and substantial improvements to determine whether building sites will be reasonably safe from flooding. If a proposed building site is in a location that is a flood hazard, any proposed new construction or substantial improvement, including prefabricated and mobile homes, must:

- (1) Be designed or modified and anchored to prevent flotation, collapse, or lateral movement of the construction;
- (2) Use construction materials and utility equipment that are resistant to flood damage;
- (3) Use construction methods and practices that will minimize flood damage; and
- (4) Observe all laws which may prohibit building in certain flood hazard areas.

(h) The Commissioner, as part of his or her responsibilities in reviewing all building permit applications and plans, shall determine the applicable building permit fee to be charged the applicant.

(Ord. 89-13. Passed 10-2-89; Ord. 2011-21. Passed 8-1-11.)

1440.02 DUTIES OF SUPERINTENDENT OF PUBLIC WORKS.

(a) The Superintendent of Public Works shall review any plans and specifications for public improvements, and shall submit such plans to the appropriate review bodies and officials.

(b) The Superintendent of Public Works shall perform and/or inspect all tap-ons to the Village water and sanitary sewerage system, and shall inspect and/or schedule and supervise any other inspection required by these Codified Ordinances or other applicable Village ordinances. This does not include the inspections of construction required by this chapter, other than public improvements and tap-ons or inspections required under other Village ordinances.

(Ord. 89-13. Passed 10-2-89.)

1440.03 BUILDING INSPECTOR.

(a) The Village President, with the consent of the Village Board, shall appoint a Village Building Inspector, whose duties shall include the inspection and examination of all buildings and buildings under construction in the Village to determine if code violations exist, pursuant to this Building and Housing Code and other appropriate provisions of these Codified Ordinances.

(Ord. 77-6. Passed 4-18-77.)

(b) The Building Inspector shall be paid fifteen dollars (\$15.00) per requested construction inspection. Said fee shall be paid regardless of whether or not the improvements pass inspection. Said fee shall also be paid if the Building Inspector appears for a requested inspection and is not able to gain access to the improvements.

(Ord. 89-13. Passed 10-2-89.)

1440.04 VILLAGE PLAN EXAMINER.

(a) The Village President, with the consent of the Village Board, shall appoint a Village Plan Examiner, whose duties shall include the review of the plans and specifications for building construction in the Village so as to determine compliance with the various Village, County, State and national codes regulating such construction, pursuant to this Building and Housing Code.

(Ord. 77-6. Passed 4-18-77.)

(b) The Plan Examiner shall examine all plans and specifications to determine if said plans and specifications are in compliance with the requirements of this Building and Housing Code.

(Ord. 89-13. Passed 10-2-89.)

1440.05 REPORTING OF VIOLATIONS TO LICENSING AUTHORITIES.

A person, firm or corporation licensed or registered by the State or a subdivision thereof to do work regulated by this Building and Housing Code or to render professional architectural or engineering service in connection therewith, who or which violates the law or ordinance under which he, she or it is licensed or registered, or who or which violates this Building and Housing Code while carrying out such work or rendering such service in connection therewith, shall be reported by the Building Commissioner to the applicable licensing authority.

(Ord. 76-17. Passed 8-16-76; Ord. 2011-21. Passed 8-1-11.)

1440.06 COMPLIANCE REQUIRED.

No person, firm or corporation shall violate, disobey, omit, neglect or refuse to comply with, or shall resist the enforcement of, any of the provisions of this Building and Housing Code, including the provisions adopted by reference.

(Ord. 76-17. Passed 8-16-76.)

1440.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1442
Permits, Certificates and Fees

1442.01 Zoning and subdivision certificates.	1442.07 Elevators, dumbwaiters, escalators, docklifts, freights and wheelchair lifts.
1442.02 Building permits.	1442.08 Compliance with Kane County Road Improvement Impact Fee Ordinance.
1442.03 Occupancy certificates; security deposit required.	1442.99 Penalty.
1442.04 Building permit fees.	
1442.05 State permits.	
1442.06 Compliance with Village ordinances.	

CROSS REFERENCES

Permits for construction and repair of streets and sidewalks - see S.U. & P.S. 1020.04(a)

Street and sidewalk openings and excavations - see S.U. & P.S. 1020.04(n), (r)

Permits for driveway construction - see S.U. & P.S. 1020.04(o)

School development impact fees - see B. & H. Ch. 1444

Development permits in flood hazard areas - see B. & H. 1464.06(a), 1464.07(a), 1464.08(a)

Building permits for mobile home parks - see B. & H. 1470.02 et seq.

Permits for moving of buildings - see B. & H. 1472.01, 1472.02

1442.01 ZONING AND SUBDIVISION CERTIFICATES.

(a) The applicant for a building permit shall complete an application for a zoning and subdivision certificate on such forms as the Village shall provide, and shall present said form and two copies thereof to the Building Enforcement Officer.

(b) The applicant shall provide, as a minimum, the following information:

- (1) The applicant's name, address and phone number;
- (2) A map or plan showing the location of the property to be built upon, the lot area, building setbacks, and the size and location of required parking spaces and loading berths;
- (3) An indication of the building height and floor area ratio;
- (4) An indication of the use of the building or structure;
- (5) A description of the proposed business operation and the proposed use of the property; and
- (6) The lot number and subdivision.

(c) The Building Enforcement Officer shall review the application and determine if:

- (1) Planning Commission approval is necessary;
- (2) Zoning Board of Appeals approval is necessary; and
- (3) The site is within a flood hazard area (floodway or floor plain).

(d) The Building Enforcement Officer shall, after the necessary review and approval, issue a zoning and subdivision certificate.

(Ord. 89-13. Passed 10-2-89.)

1442.02 BUILDING PERMITS.

The applicant for a building permit shall submit an application therefor, and the following shall apply:

(a) Plans and Specifications. Plans and specifications for single-family and double-family residences shall be submitted with said application and shall be as follows:

(1) Residences.

A. Two sets of plans and specifications for single-family and double-family residences shall be submitted, which shall include:

1. Four exterior elevations;
2. A foundation plan, showing the location and elevation of any sewer;
3. Floor plans of each level, if the structure is two-story or a raised ranch;
4. Any necessary sections needed, spelling out all materials used;
5. The electrical layout;
6. Specifications, spelled out in full on the plans, which shall be drawn to legible scale, preferably one-half inch equals one foot; and
7. A drawing showing the property boundaries, location of proposed buildings, water and sewer mains and the proposed location of the water and/or sewer tap-on.

B. Plans for multifamily residences (three or more units) shall include the following additional requirements and specifications:

1. All exteriors shall be constructed of brick, except as regards duplexes and townhomes, only the first floor exteriors of which need to be constructed of brick;
2. The location and description of all mechanical equipment, (i.e. air conditioning units, furnaces, etc.) shall be included;

3. The location of all garbage areas, which are to be hidden from public view and located in a centrally located contained area, shall be included;

4. All parking areas will be blacktopped;

5. If contiguous to a single-family zoning district, the multifamily residence shall be separated by a six-foot high privacy fence.

(2) Commercial, industrial, multifamily and public building plans. Five sets of plans and specifications for commercial, industrial, multifamily (three-family or more) and public buildings shall be submitted, and shall include:

A. A site development plan, showing in detail the location of all utilities and existing contours, elevations of building sewer and storm sewer drains and retention areas, locations of building and parking areas, the location of the nearest structure adjacent to the new buildings, and details on all curbs, gutters and ramps;

B. A separate foundation plan showing all steel reinforcing, if required;

C. Four exterior elevations;

D. The floor layout;

E. Necessary sections, spelling out all materials used;

F. The electrical layout;

G. The plumbing layout;

H. The heating, ventilation and air conditioning layouts;

I. A complete set of specifications;

J. The type or use of the building;

K. The estimated number of occupants;

L. A sealed soil test;

M. Structural calculations;

N. Fire protection system plans and specifications; and

O. Other technical information as required by the Building

Enforcement Officer.

Designers must comply with the BOCA national codes and the standard specifications for facilities for the handicapped accessibility standards, published by the State of Illinois.

(3) Minor remodeling. A sketch on the application is sufficient for minor remodeling, roofing, etc.

(4) Septic tanks and fields. If septic tanks and fields are permitted, permits must be secured from the Kane County Sanitarian prior to the issuance of a building permit.

(b) Water and Sewer Tap-on. The applicant shall pay to the Village all water and sewer tap-on fees. Said fees will be charged according to Chapters 1042 and 1062.

(c) Water Runoff. The Building Enforcement Officer may require a signed statement by a licensed civil engineer that the plans include adequate facilities to prevent harmful runoff.

(d) Completeness of Plans. The completeness of a building permit application is the responsibility of the applicant. Failure to submit a complete application may result in additional plan examination fees and unnecessary delays.

(e) Lapse of Permit.

(1) A building permit lapses if a substantial start is not made in six months, and if substantial progress is not made in a one-year period. After two years, if work is not completed, a new permit will be required for all remaining work to be done. Permits for demolition work will lapse ninety days after the date of issuance.

(2) A "substantial start" will be deemed to have been made if more than twenty percent of the scheduled work has been completed, as determined by the Building Inspector. "Substantial progress" will be deemed to have been made if greater than fifty percent of the scheduled work has been completed, as determined by the Building Inspector.

(f) Bond. The issuance of a permit for building or remodeling or an interior change in an existing structure, located in a business, industrial or commercial district, shall be conditional upon the applicant's deposit with the Village of the bond provided in Section 1442.03. Said bond shall remain on deposit with the Village until an occupancy permit is issued. If a letter of credit is issued for said bond, its termination date shall not be earlier than two years following the date of the issuance of the building permit.

1442.03 OCCUPANCY CERTIFICATES; SECURITY DEPOSIT REQUIRED.

(a) No building or addition thereto constructed after the effective date of this chapter, and no addition or major alteration to a previously existing building, shall be used or occupied, and no land vacant on the effective date of this chapter shall be used for any purpose, until and unless an occupancy certificate has been issued by the Building Enforcement Officer. No change in use or occupancy in any business, commercial or industrial district shall be made, nor any new use or occupancy established, in any such district, until an occupancy certificate has been issued by the Building Enforcement Officer. Each occupancy certificate shall state that the use or occupancy complies with all the provisions of the amended Zoning Code.

(b) Every occupancy certificate required hereunder by virtue of a change in use or occupancy in a business, industrial or commercial district shall be permanently posted in a prominent place on the premises at all times.

(c) In the event of a change of ownership, but not of the use or occupancy, of any building located in a business, industrial or commercial district, the new owner shall, within thirty days after receiving title to said property, notify the Building Enforcement Officer of said change of ownership. "Owner" shall mean the title holder of record.

(d) Every application for a building permit or for the remodeling of, or for an interior change to, an existing structure, located in a business, industrial or commercial district, shall be accompanied by a security deposit acceptable to the Village to be deposited with the Village to insure that the premises shall not be occupied or used until a certificate of occupancy has been issued. Said security deposit shall be returned upon the issuance of the certificate of occupancy, unless the premises have been wrongfully occupied or used, in which event said security deposit shall be forfeited to the Village, in addition to the other penalties as hereinafter provided for the violation of any provision of this chapter. Said security deposit shall be in an amount equal to ten percent of the cost of construction, but in no event shall said security deposit be less than five hundred dollars (\$500.00). Said security deposit shall be in the form of cash, negotiable securities acceptable by and endorsed payable to the Village or an irrevocable letter of credit acceptable to the Village.

(e) A certificate of occupancy shall be issued as follows:

- (1) A certificate shall be issued only after the Building Enforcement Officer has inspected the premises and found that:
 - A. It is in compliance with all the applicable regulations of the zoning district in which it is located;
 - B. The use of the building or structure is in conformance with the plans and specifications for which the building permit was issued;
 - C. All re-inspection charges have been paid;
 - D. The septic system, if any, has been inspected and approved; and
 - E. If the premises are in a new subdivision, all the requirements of Section 8-10-1 of the Subdivision Regulations, which are separately published, have been satisfied.
- (2) Every certificate of occupancy shall be dated, shall state the use or occupancy and that it complies with the provisions of this chapter, and shall be signed by the Building Enforcement Officer.

(f) The certificate of occupancy shall be issued, or written notice shall be given to the applicant specifying the reasons an occupancy certificate cannot be issued, not later than fourteen days after the Building Enforcement Officer is notified in writing that the building or premises is ready for occupancy.

(g) A copy of all occupancy permits shall be submitted by the Building Enforcement Officer to the appropriate Township Assessor.
(Ord. 93-11. Passed 6-7-93.)

1442.04 BUILDING PERMIT FEES.

A person requesting the issuance of a building permit shall submit the fees hereinafter set forth:

(a) Single-Family and Double-Family Residential Construction.

(1) New construction, including wiring:

A.	\$28.00 per 100 square feet, or portion thereof, of overall area on each floor, including basement area and crawl space	\$180.00 minimum
B.	Plumbing inspection fee for first three inspections.	\$320.00
		\$90.00 for each additional plumbing inspection
C.	Plan Review.	\$450.00 for initial review and \$65.00 for each subsequent review, unless consultants are used, in which case the plan review fee shall be the cost of the consultant's fees plus 15%

(2) Additions, incidental or accessory buildings and/or structures, alterations, remodeling, replacing steps, etc.:

A.	Construction cost less than \$1,000	\$50.00
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B.	Construction cost \$1,000 or more	\$50.00 plus \$21.00 for each additional \$1,000 of construction cost or portion thereof
C.	Plumbing inspection fee for first three inspections.	\$320.00 \$90.00 for each additional plumbing inspection
D.	Plan Review.	\$15.00 for building under 200 sq. ft. Building 200 sq. ft. or over - 10% of fees charged the applicant per paragraphs (1) through (6) hereof, excepting (2)D.
(3)	Electrical work only	
A.	Five outlets or less	\$20.00
B.	Each additional outlet	\$0.75
C.	Electrical service upgrades	\$50.00
(4)	Plumbing work only	
A.	First fixture installed	\$20.00
B.	Each additional fixture installed	\$0.75
C.	Plumbing inspection fee for first three inspections	\$320.00 \$90.00 for each additional plumbing inspection

- D. Installation of residential backup prevention devices, including check valves, and overhead sewers.
1. Building permit fee is waived; but not the necessity of obtaining a permit. Building permit fee is not waived for new construction.
 2. Village's cost incurred for any Village consultants hired to inspect and approve the installation of backup preventative devices, including check valves and overhead sewers, shall be paid by applicant at time of application.
- (5) Wrecking
- | | |
|--------------------------------|---------|
| A. Building under 100 sq. ft. | \$20.00 |
| B. Building 100 to 500 sq. ft. | \$25.00 |
| C. Building 500 sq. ft. over | \$35.00 |
- (6) Re-roofing or re-siding \$75.00 each
- (b) Multi-family (Three or More Units), Business, Commercial, Industrial, Storage and Institutional Construction.
- (1) New construction, including wiring:
- | | |
|---|---|
| A. \$28.00 per 100 sq. ft., or portion thereof, of overall area of each floor, including basement and crawl space | \$200.00
minimum |
| B. Plumbing inspection fee for first three inspections. | \$320.00 |
| | \$90.00 for each additional plumbing inspection |
| C. Plan Review. | \$450.00 for initial review and \$65.00 for each subsequent review, unless consultants are used, in which case the plan review fee shall be the cost of the consultant's fees plus 15%. |

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|-----|--|---|
| (2) | Additions, incidental or accessory buildings and/or structures, alterations, remodeling, replacing steps, etc. | |
| A. | Construction cost less than \$1,000 | \$50.00 |
| B. | Construction cost \$1,000 or more | \$50.00 plus
\$21.00 for each
additional
\$1,000.00 of
construction cost
or portion
thereof |
| C. | Plumbing inspection fee for first three inspections. | \$320.00 |
| | | \$90.00 for each
additional
plumbing
inspection |
| D. | Plan Review. | \$15.00 for
building under
200 sq. ft.
Building 200 sq.
ft. or over - 10%
of fees charged
the applicant per
paragraphs (1)
through (6)
hereof, excepting
(2) D. |
| (3) | Electrical work only | |
| A. | Five outlets or less | \$20.00 |
| B. | Each additional outlet | \$0.75 |
| C. | Electrical service upgrades | \$50.00 |
| (4) | Plumbing work | |
| A. | First fixture installed | \$20.00 |
| B. | Each additional fixture installed | \$0.75 |
| C. | Installation of residential backup prevention devices, including check valves and overhead sewers. | |

1. Building permit fee is waived; but not the necessity of obtaining a permit. Building permit fee is not waived for new construction.
 2. Village's cost incurred for any Village consultants hired to inspect and approve the installation of backup preventive devices, including check valves and overhead sewers, shall be paid by applicant at time of application.
- (5) Wrecking
- | | |
|--------------------------------|---------|
| A. Building under 100 sq. ft. | \$20.00 |
| B. Building 100 to 500 sq. ft. | \$25.00 |
| C. Building 500 sq. ft. over | \$35.00 |
- (6) Re-roofing or re-siding \$200.00 each
- (c) Consultants' Fees.
- (1) In order to avail itself of the necessary expertise to review and examine plans, opinions, reports, etc., and to conduct inspections, and in an effort to reduce the cost of governmental operations, the Village may engage the services of professional consultants. In that regard, the Village may in its own discretion submit such documents to said consultants for review and comment. The completed review and written report shall be returned by said consultants to the Village building officials or Building Commissioner. Said consultants shall bill the permit applicant directly for their services. Said bills shall be paid in full prior to the issuance of the subject permits.
 - (2) The consultants' fees to be charged by said consultants shall be according to their rate schedules that may be in effect from time to time. Said rate schedules shall be supplied by said consultants to the Village, which, in turn, shall make it available to applicants, if so requested.
 - (3) The building officials or Building Enforcement Officer is permitted the discretion to not send permit applications or plans to said consultants that are of a routine and uncomplicated nature.
- (d) Swimming Pools.
- | | |
|------------------|----------|
| (1) In-ground | \$150.00 |
| (2) Above-ground | \$65.00 |
- (e) Fences. \$50.00
- (f) Signs. \$50.00

- | | |
|---|----------|
| (g) <u>Decks.</u> | \$125.00 |
| (h) <u>Sheds.</u> | \$60.00 |
| (i) <u>Patios.</u> | \$50.00 |
| (j) <u>Reduced Pressure Zone for Lawn Sprinklers.</u> | \$115.00 |
- (k) Governmental Bodies: Religious, Educational, and Charitable Purposes. Whenever the construction, alteration, or addition is being made for any public, governmental, religious, educational, or charitable entity, the maximum building permit fee for each permit issued and for all services in connection therewith shall be sixty-five dollars (\$65.00), plus consultant charges. The Village Administrator, in his sole discretion, has the right to reduce or waive any such fees.
- (l) Surcharge. Where work for which a permit is required by this Building and Housing Code is started or proceeded with, prior to obtaining said permit, the fees above specified shall be increased by fifty percent, but in no event shall the additional fee be less than thirty dollars (\$30.00). The payment of such additional fee shall not relieve any person, firm or organization from fully complying with the requirements of this Building and Housing Code.
- (m) Reinspection Fee. Reinspections due to failed inspection (except final inspection) shall be subject to a fifty dollar (\$50.00) fee. Reinspections for a failed final inspection shall be subject to a seventy-five dollar (\$75.00) fee.

- (n) Other Fees and Costs. All fees and costs connected with the inspection and review by the Village Engineer, Village Planner, and Village Attorney, and such other consultants as the building officials or Building Commissioner deems necessary, shall be paid by the applicant.
- (o) The plan review fee and the initial grading engineering fees shall be submitted with the application.
- (p) Any person requesting a refund of any fee under this section shall apply for said refund within one year of the date of issuance of said permit. No refund shall be made for plan review, engineering, or other actual costs (or estimated costs) incurred by the Village. No refund shall be made on any impact fee.
- (q) Any person applying for a partial refund of fees paid provided he or she makes application to the Village for a refund on a form provided by the Village, provided that:
 - (1) Said completed and signed application is made to the Building Department no later than one year after date of permit issuance.
 - (2) There are no outstanding ordinance violations on the property.
 - (3) All other financial matters are current with the Village.(Ord. 76-17. Passed 8-16-76; Ord. 88-5. Passed 4-4-88; Ord. 89-13. Passed 10-2-89; Ord. 2006-16. Passed 11-6-06; Ord. 2007-09. Passed 6-4-07; Ord. 2008-17. Passed 12-15-08; Ord. 2009-04. Passed 4-6-09.)

1442.05 STATE PERMITS.

If any State permit is required for any part of construction, such permit shall be obtained, and proof thereof given to the Building Enforcement Officer, prior to the issuance of a building permit.
(Ord. 76-17. Passed 8-16-76.)

1442.06 COMPLIANCE WITH VILLAGE ORDINANCE.

The applicant shall meet all the requirements of all Village ordinances, including, but not limited to the Streets, Utilities and Public Services Code, the Subdivision Regulations and the Zoning Code.
(Ord. 76-17. Passed 8-16-76.)

1442.07 ELEVATORS, DUMBWAITERS, ESCALATORS, DOCKLIFTS, FREIGHTS AND WHEELCHAIR LIFTS.

A licensing fee of sixty dollars (\$60.00) per inspection is hereby adopted and shall be charged for all elevators, dumbwaiters, escalators, docklifts, freights and wheelchair lifts within the corporate limits of the Village as of the date of the adoption of this section (October 19, 1998). A licensing fee of seventy-five dollars (\$75.00) per inspection is hereby adopted and shall be charged for the inspection of new elevators,

dumbwaiters, escalators, docklifts, freights and wheelchair lifts installed after October 19, 1998. A licensing fee of seventy-five dollars (\$75.00) per review is hereby adopted and shall be charged for each review of architectural or mechanical plans of elevators, dumbwaiters, escalators, docklifts, freights and wheelchair lifts submitted after October 19, 1998. A licensing fee of thirty-five dollars (\$35.00) for all re-inspections or re-reviews as outlined in this section is hereby adopted and shall be charged. (Ord. 98-24. Passed 10-19-98.)

**1442.08 COMPLIANCE WITH KANE COUNTY ROAD IMPROVEMENT
IMPACT FEE ORDINANCE.**

No building permit shall be issued to an applicant until the applicant presents proof from the Kane County Department of Transportation that the applicant has paid the requisite road improvement impact fee or is otherwise exempt. (Ord. 2004-07. Passed 6-7-04.)

1442.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1444
School Development Impact Fees

1444.01 Short title and citation.	1444.06 Annexations.
1444.02 Findings; purpose.	1444.07 Definitions.
1444.03 Intent.	1444.08 Administration.
1444.04 Applicability of chapter.	1444.09 Calculations.
1444.05 Requirements.	

CROSS REFERENCES

Permits, certificates and fees - see B. & H. Ch. 1442

1444.01 SHORT TITLE AND CITATION.

(a) This chapter shall be known as the Village of Elburn School Development Impact Fee Ordinance.

(b) These regulations shall be known, cited and referenced as the Village of Elburn School Development Impact Fees Regulations.
(Ord. 98-27. Passed 11-16-98; Ord. 2012-17. Passed 4-16-12.)

1444.02 FINDINGS; PURPOSE.

(a) The control of development in the Village of Elburn, and therefore the corresponding need for additional public facilities to serve such development, is subject to the control of the Village, in accordance with the Comprehensive Plan of the Village for the orderly, planned, efficient and economical development of the Village and District.

(b) New residential development may cause and impose increased and excessive demands upon public school facilities and services that are specifically and uniquely attributable to those developments.

(c) Planning projections indicate that such development shall continue and shall place ever-increasing demands on the District to provide necessary public facilities.

(d) Development potential and property values are influenced and affected by Village policy as expressed in the Comprehensive Plan and as implemented by the Village Zoning Ordinance and the District's Capital Improvement Program (CIP).

(e) To the extent that new development places demands upon public school facilities which are specifically and uniquely attributable to that development, those demands should be satisfied by requiring that the developments creating the demands pay the cost of meeting the demands.

(f) The amount of development impact fees to be assessed to new development shall be determined by the proportionate share cost of the additional public facilities needed to support such development, which public facilities shall be identified in the District's CIP or capital improvement budget.

(g) The Village Board, after careful consideration, hereby finds and declares that development impact fees required of new development to finance specified public facilities in the District, the demand for which is created by such development, is in the best interests of the general welfare of the Village and its residents, is equitable, and does not impose an unfair burden on such development. Therefore, the Village Board deems it necessary and desirable to adopt this chapter as herein set forth. (Ord. 98-27. Passed 11-16-98; Ord. 2012-17. Passed 4-16-12.)

1444.03 INTENT.

This chapter is intended to require development impact fees, payable at the time of building permit issuance, in an amount based upon the proportionate share of the cost of the various public facilities required to serve new development. (Ord. 98-27. Passed 11-16-98; Ord. 2012-17. Passed 4-16-12.)

1444.04 APPLICABILITY OF CHAPTER.

This chapter shall be uniformly applicable to development which occurs within the Village, with the exception of exempted development including the following:

- (a) Development of property located within a redevelopment area designated by the Village Board; and
- (b) Development of property for which an equivalent development impact fee has been paid subject to the requirements of a prior ordinance.

(Ord. 98-27. Passed 11-16-98; Ord. 2012-17. Passed 4-16-12.)

1444.05 REQUIREMENTS.

No building permit as herein defined shall be issued for a non-exempt development unless the applicant therefor has paid the development impact fees imposed by and calculated pursuant to this chapter. Prior to or concurrent with issuance of a building permit, approval of a site plan, approval of a final plat of subdivision, or approval of a final plat of a planned unit development, the Village shall assess the development impact fees for District capital improvements to serve the immediate and future needs of the development. Land dedication in lieu of a

development impact fee or a combination of both, in the discretion of the Village and in accordance with the criteria and formulas set forth in this chapter, may be required. (Ord. 98-27. Passed 11-16-98; Ord. 2012-17. Passed 4-16-12.)

1444.06 ANNEXATIONS.

The development impact fees as required by this chapter shall only be required as a condition to the annexation of any land to the Village. The Village Board may, at its sole discretion, require additional contributions and dedications as it may deem necessary and desirable.

(Ord. 98-27. Passed 11-16-98; Ord. 2012-17. Passed 4-16-12.)

1444.07 DEFINITIONS.

As used in this chapter the following words and terms shall be defined as follows:

- (1) Bedroom - A room used regularly or designed for the purposes of sleeping that may be separated from other rooms by a door or other partition.
- (2) Building Permit - The permit required for new construction and additions. The term "building permit", as used herein, shall not be deemed to include permits required for remodeling, for rehabilitation or other improvements to an existing structure, or for rebuilding a damaged or destroyed structure, provided there are no increases in the number of dwelling units or bedroom counts for residential developments resulting therefrom.
- (3) Building Site - An area of land designed, intended or used as a location for a structure.
- (4) Capital Budget - The portion of the District's annual budget devoted to the funding of capital improvement projects.
- (5) Capital Improvement - A project or piece of equipment with a useful life in excess of three years.
- (6) Capital Improvement Program - The multi-year program identifying future capital improvements and indicating planned sources of funding for those improvements.
- (7) Village - The Village of Elburn.
- (8) Village Board - The Elburn Village Board.
- (9) Comprehensive Plan - The official plan for the development of the Village adopted by the Village Board and amended from time to time.
- (10) Cost - The expenditures incurred or estimated to be incurred to fund a capital improvement project. These costs may include acquisition of land, construction of improvements, equipping of facilities; and administrative, engineering, architectural, and legal expenses incurred in connection with a project.

- (11) Demand Unit - A unit associated with a new development that generates the need for expansion or improvement to public facilities.
- (12) Detention Area - A dry-bottom area of land which provides for the temporary storage of storm water run-off.
- (13) Developer - The owner of record of land proposed for development or his or her representative.
- (14) Development - Any changes to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires the issuance of a building permit.
- (15) Development Impact Fees - A special or additional fee imposed at the time of building permit issuance and calculated based upon the costs of public facilities in proportion to the development creating the need for such facilities.
- (16) Gross Acreage - The entire area of a parcel of real property or a building site expressed in acres or portions thereof.
- (17) Lot of Record - A lot which is separately designated as such in a plat of subdivision duly filed in the office of the recorder of deeds in the county in which said lot is located.
- (18) MAI - The professional designation of "Member, Appraisal Institute" as conferred by The American Institute of Real Estate Appraisers.
- (19) Planned Unit Development - A unified development of one or more parcels of contiguous land in a single ownership or unified control, including two or more principal buildings or uses, and where the specific requirements of a given zoning district may be modified if an application is processed and approved under the Planned Unit Development procedures of the Village Zoning Ordinance.
- (20) Proportionate Share - The cost of a public facility, or capital improvement project specifically and uniquely attributable to a new development; after the consideration of the generation of additional demand from the new development, and any appropriate credits for contribution of money, dedication of land, debt service payments, or taxes dedicated for such projects.
- (21) Public Facility - Any or all of the following facilities to be financed in whole or in part by the requirement of a development impact fee:
 - A. School District capital improvements;
 - B. School sites.
- (22) Residential Development - Any change to improved or unimproved real property, including a principal structure, all or a portion of which is designed or intended for use as a residence.

- (23) Retention Area - A wet-bottom area of land which provides for the temporary storage of storm water run-off.
- (24) School District - Any public school district situated wholly or partially within the Village and providing elementary, middle school and/or high school education.
- (25) Service Standard - The existing level of service delivery associated with a public facility for which a development impact fee shall be required.
- (26) Site Plan - A document prepared to scale indicating accurately the dimensions and boundaries of a site, and showing the location of all proposed buildings, structures, uses, and principal site development features for a parcel of land.
- (27) Specifically and Uniquely Attributable - An identifiable portion of the need for additional public facilities or capital improvement projects resulting from a proposed development.
- (28) Subdivision Ordinance - Regulates the processes and design standards applicable to the division of land within the Village.
- (29) Wetland - An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
- (30) Zoning District - An area of territory of the Village within which certain uses of land, premises, and buildings are controlled and within which certain development standards are established by ordinance.
- (31) Zoning Ordinance - Regulates the use of land within the Village. (Ord. 98-27. Passed 11-16-98; Ord. 2012-17. Passed 4-16-12.)

1444.08 ADMINISTRATION.

- (a) General Procedures for Development Impact Fees.
 - (1) Calculation of development impact fees. Development impact fees established pursuant to this chapter shall be calculated by the School District. (Ord. 98-27. Passed 11-16-98.)
 - (2) Collection of development impact fees. School development impact fees calculated and due pursuant to this chapter shall be collected by the Village either prior to issuance of a building permit or prior to the issuance of a certificate of occupancy, at the sole discretion of the Village Administrator or his or her designee.
 - (3) Transfer of funds to accounts. Upon receipt of development impact fees, the Village shall be responsible for the deposit of such funds into such Village interest-bearing accounts as it shall determine, to be held for the use and benefit of the District in accordance with the terms and provisions herein. As a condition precedent to delivery of any such funds

to the District, the District shall execute and deliver to the Village an indemnification and hold harmless agreement in a form acceptable to the Village. Interest accrued in any accounts established pursuant to this chapter shall be delivered to the District.

- (4) Maintenance of records. The Village shall maintain and keep adequate financial records for all funds collected pursuant to this chapter, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of such funds shall be certified by the District to be used solely and exclusively for the provision of projects specified in the Capital Improvement Program for the particular service area, as appropriate.
- (5) Annual review and modification. In conjunction with the District, the Village shall review the development potential of the various service areas and the Capital Improvement Program and make such modifications as are deemed necessary as a result of (A) development occurring in the prior year, (B) public District facilities actually constructed, (C) changing District facility needs, (D) inflation, (E) revised cost estimates for District public facilities, (F) changes in the availability of other funding sources applicable to public facility projects, and (G) such other factors as may be relevant. Modifications to projected development potential, the District's Capital Improvement Program, and the development impact fees shall be made prior to December 31 of each year and shall be effective on January 1 of the following year.

(b) Use of Development Impact Fees. Development impact fees paid pursuant to this chapter shall be restricted to use solely and exclusively for financing directly, or as a pledge against bonds, revenue certificates, and other obligations of indebtedness for the cost of the District's public facilities as specified herein. The transfer of collected impact fees to the District shall be made only upon proper certification by the District of the proposed use of such funds and a guarantee of such use by the District. District may request delivery of said funds no more than once every six months.

(c) Effect of Development Impact Fees on Zoning and Subdivision Regulations. This chapter shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements; or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the Village, which shall be operative and remain in full force and effect without limitation with respect to all such development.

(d) Development Impact Fees as Additional and Supplemental Requirement. Development impact fees are additional and supplemental to, and not in substitution of, any other requirements imposed by the Village on the development of land or the issuance of building permits, including, but not limited to, the School and Park Land/Cash fees established in the Village's Subdivision Control Ordinance. In no event shall a property owner be obligated to pay for the District's public facilities in an amount in excess of the amount calculated pursuant to this chapter; however, a property owner may be required to pay, pursuant to Village ordinances, regulations, or policies, for other public facilities in addition to the development impact fees for public improvements specified herein.
(Ord. 98-27. Passed 11-16-98; Ord. 2012-17. Passed 4-16-12.)

1444.09 CALCULATIONS.

Criteria for Determining School District Capital Improvement Development Impact Fee. The following criteria shall govern the calculation of the District capital improvement development impact fee:

- (a) The Municipality agrees to attempt to obtain school impact payments specified in the tables attached hereto for all residential property within the development. Said payments shall be collected no later than the issuance of a certificate of occupancy. Said tables are attached to Ordinance 2012-17 and marked Exhibit "A."
- (b) Housing units age restricted by deed (in accordance with the Federal Fair Housing Act exemption for housing for persons aged 55 and older) shall not be subject to the school impact payment. If use of a property or a deed restriction is adjusted which would thereafter allow persons to own and/or live in housing units younger than age 55 (except such younger persons that are already allowed per the federal housing standards), school impact payments would begin, and be due, for any new construction after the change of a deed restriction per the applicable tables at the time of the adjustment, or if no tables exist at that time, per the last applicable table and amount thereon.
- (c) Payments collected during the term of this agreement shall be made in accordance with Exhibit A attached to Ordinance 2012-17. The School CIP Impact Fee Amount shall be calculated at 75% of the total School CIP Impact Fee amount specified in Exhibit A attached to Ordinance 2012-17, for the life of said annexation agreement. There shall be no obligation for the Real Estate Tax Lag amount specified in Exhibit A attached to Ordinance 2012-17, for the life of said annexation agreement. For example purposes only, as shown in Exhibit A, a detached single family dwelling - two bedroom, fair market value at \$70,000, the School CIP Impact would be calculated at 75% of \$1,118.75 for a total of \$839.06; the Real Estate Tax Lag Amount listed as \$728.93 in Exhibit A would be: \$0.00.

(Ord. 98-27. Passed 11-16-98; Ord. 2012-17. Passed 4-16-12.)

TITLE SIX - Miscellaneous Building Regulations

- Chap. 1460. Dangerous Buildings.
- Chap. 1462. Fences.
- Chap. 1464. Flood Damage Prevention.
- Chap. 1466. Grading.
- Chap. 1468. Lowland Conservancy Overlay District.
- Chap. 1470. Mobile Home Parks.
- Chap. 1472. Moving of Buildings.
- Chap. 1474. Numbering of Buildings.
- Chap. 1476. Signs. (Repealed)
- Chap. 1477. Soil Erosion and Sedimentation Control.
- Chap. 1478. Stormwater Drainage and Detention.

CHAPTER 1460
Dangerous Buildings

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| 1460.01 Dangerous building defined. | 1460.04 Compliance inspectors and access; notice to repair; compliance required. |
| 1460.02 Declaration of nuisance. | 1460.05 Repair, alteration or demolition by Village. |
| 1460.03 Maintenance or occupancy prohibited. | 1460.99 Penalty. |

CROSS REFERENCES

- Unsafe buildings - see 65 ILCS 5/11-31-1, 11-31-2
- Code violations - see 65 ILCS 5/11-31.1-1 et seq.
- Nuisances generally; abatement; costs - see GEN. OFF. 624.11, 624.13
- International Property Maintenance Code - see B. & H. Ch. 1480

1460.01 DANGEROUS BUILDING DEFINED.

As used in this chapter, “dangerous building” means:

- (a) Any building, shed, fence or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of its occupants or of the occupants of neighboring structures;
- (b) Any building, shed, fence or other man-made structure which, because of faulty construction or any other causes such as age or lack of proper repair, is especially liable to fire and constitutes or creates a fire hazard;
- (c) Any building, shed, fence or other man-made structure which, by reason of faulty construction, age, lack of proper repair or any other cause, is liable to cause injury or damage by collapsing or by the fall of any part of such structure;
- (d) Any building, shed, fence or other man-made structure which, because of its condition or because of lack of doors or windows, is available to and frequented by malefactors or persons who are not lawful occupants of such structure.

(Ord. 89-13. Passed 10-2-89.)

1460.02 DECLARATION OF NUISANCE.

It shall be unlawful for any owner or agent thereof to keep or maintain any building or structure or part thereof in any unsafe or dangerous condition, as defined in this chapter or applicable state law or regulation. Any dangerous or unsafe building in the Village is hereby declared a nuisance. The provisions contained in this chapter do not preclude the Village from proceeding under provisions of Article 11, Divisions 20 and 31 of the Illinois Municipal Code (65 ILCS 5/11-20-1 et seq. and 11-31-1 et seq., respectively), or other Federal, State or local laws or regulations, as may from time-to-time be amended.

(Ord. 76-17. Passed 8-16-76; Ord. 2010-38. Passed 12-6-10.)

1460.03 MAINTENANCE OR OCCUPANCY PROHIBITED.

No person shall maintain or permit the existence of any dangerous building in the Village. No owner, occupant or person in custody of any dangerous building shall permit the same to remain in a dangerous condition or occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

(Ord. 76-17. Passed 8-16-76.)

1460.04 COMPLIANCE INSPECTORS AND ACCESS; NOTICE TO REPAIR; COMPLIANCE REQUIRED.

(a) Compliance Inspectors. The following persons are authorized compliance inspectors for purposes of this chapter:

- (1) The Chief of the Elburn and Countryside Fire Protection District or his or her designee;
- (2) The Village Building and Zoning Enforcement Officer or his or her designee;
- (3) The Village Engineer or his or her designee;
- (4) The Village Superintendent of Public Works or his or her designee;
- (5) The Village Chief of Police or his or her designee; and
- (6) Employees of the Kane County Health Department.

(b) Compliance Inspector Access. A Compliance Inspector as defined in subsection (a) hereof, in discharge of his or her official duties and upon display of proper identification, shall have the authority to enter any building, structure or premises to inspect, subject to constitutional restrictions against unreasonable searches. If entry is refused or not obtained, the Compliance Inspector or Village Building and Zoning Enforcement Officer is authorized to seek a search warrant authorizing such inspection as authorized by law.

(c) Notice to Repair. Whenever a Compliance Inspector is of the opinion that any building or structure in the Village is dangerous or unsafe, he or she shall file a written statement to this effect with the Village Building and Zoning Enforcement Officer. The Village Building and Zoning Enforcement Officer shall thereupon cause written notice of said violation to be served upon the owner of record of such building or structure as reflected in documents filed with the Kane County Recorder, and upon the occupant thereof, if any, by certified mail with return receipt requested or by personal service. Such notice of such violation shall state that the building or structure has been declared to be in a dangerous or unsafe condition, that such dangerous or unsafe condition must be removed or remedied by repairing or altering or demolishing the building or structure, and that such condition must be remedied within a prescribed period of time. Such notice of violation may be in the following form:

To [OWNER - or - OCCUPANT] the OWNER/OCCUPANT [strike out inapplicable entry] of the premises known as:

Address: _____
 PIN: _____

YOU ARE HEREBY NOTIFIED that [describe noncompliant building or structure] on the premises above mentioned has been declared to be in a dangerous or unsafe condition and a nuisance after inspection by [Compliance Inspector's Name and Title] on [Date] for the following reasons:

YOU ARE FURTHER NOTIFIED that you must remove or remediate said dangerous or unsafe condition(s) by repairing or altering or demolishing said building or structure, and that such condition(s) must be remedied by not later than [Date].

YOU ARE ALSO NOTIFIED that failure to remove or remediate said dangerous or unsafe condition(s) by the stated date may result in further administrative or judicial enforcement action by the Village against you and/or the property, as provided in Village Code and state law.

/s/ Village Building and Zoning Enforcement Officer

(d) Compliance Required. No person shall fail to comply with such notice of violation described in subsection (c) hereof.
(Ord. 2010-38. Passed 12-6-10.)

1460.05 REPAIR, ALTERATION OR DEMOLITION BY VILLAGE.

If the owner or occupant of a dangerous building fails to comply with the notice referred to in Section 1460.04, the Village may repair, alter or demolish the building in question so as to eliminate any condition causing such building to be a dangerous building. The Village may recover any costs incurred by it in the performance of such repair, alteration or demolition from the owner of the building in any manner authorized by law. This remedy shall be in addition to the penalty provided in Section 1460.99.

1460.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1462
Fences

1462.01	Fence permits.	1462.03	Responsibility of owners and occupants; exemptions.
1462.02	Fence regulations.	1462.99	Penalty.

CROSS REFERENCES

Nuisances generally; abatement; costs - see GEN. OFF. 624.11, 624.13
 Building permits, certificates and fees - see B. & H. Ch. 1442
 International Property Maintenance Code - see B. & H. Ch. 1480

1462.01 FENCE PERMITS.

(a) No fence shall be erected or placed upon any property without first obtaining a fence permit from the Village. Plans indicating the specific location, material, type and height of the proposed fence shall accompany the permit application filed with the Building Enforcement Officer.

(b) Fences constructed by permit prior to the adoption of this chapter which do not conform to the provisions of this chapter shall be considered legal nonconforming structures. An existing fence may be maintained, repaired or structurally altered; however, no such repair or structural alteration shall create an additional nonconformity or increase the degree of nonconformity. In the event a fence is damaged or destroyed to the extent that the cost of restoration shall exceed 50% of the cost of a new fence, no repairs or reconstruction shall be made unless such restoration or construction shall thereafter conform to the regulations in this chapter. If such damage or destruction does not exceed 50% of the cost of a new fence, repairs and restoration shall be completed within 12 months from the date of damage or destruction or such restoration shall conform to the regulations of this chapter. (Ord. 95-10. Passed 3-6-95; Ord. 2001-08. Passed 5-21-01.)

1462.02 FENCE REGULATIONS.

(a) A fence, including all posts, bases and other structural parts, shall be located completely within the boundaries of the lot on which it is located. No fence shall be located closer than 24 inches to a public sidewalk. The construction of all fences shall comply with all applicable covenants and restrictions. No fence shall be constructed if prohibited by private covenants or restrictions. It shall be the responsibility of the applicant, not the Village, to ascertain the existence of applicable covenants and restrictions. The issuance of a fence permit and/or the subsequent construction of fences in violation of applicable covenants and restrictions shall not estop the Village or other parties from bringing suit for injunction seeking removal of said fence.

2004 Replacement

(b) Fences shall be designed and constructed to resist a horizontal wind pressure of not less than 30 pounds per square foot.

(c) All fences shall be constructed with the finished surface facing neighboring property with support posts placed to the inside, except in cases where the posts are an integral part of the fence design which enhances the aesthetic appearance of the fence.

(d) Except for corner lots and the rear yard of a through lot, every fence which creates a wholly enclosed area and adjoins an existing or proposed street right-of-way shall include a gate to provide access to the right-of-way. Corner lots and rear yards of through lots shall provide a point of ingress and egress to the property.

(e) Fences and walls within any Business, Commercial Manufacturing or M-1 Manufacturing zoning classification which abuts residential or institutional uses shall be used in conjunction with landscaping as screening in accordance with the provisions of the Zoning Code.

(f) No fence, wall or shrubbery shall exceed a maximum of three feet above the grade of the adjoining public right-of-way within the sight line triangle, defined as a triangular shaped portion of land established at street intersections, within 30 feet of said intersection, in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The purpose of this requirement is to provide for visual clearance and traffic safety.

(g) The measured height of the fence may include an opening between the bottom of the fence and grade not to exceed six inches. Maximum fence heights shall be:

(1) Residential

Front and corner side yard	4 feet
Side yard	6 feet
Rear yard	6 feet
Sight triangle	3 feet

(2) Business, Commercial-Manufacturing and M-1 Manufacturing

Front and corner side yard	6 feet
Side yard	8 feet
Rear yard	8 feet
Sight triangle	3 feet

2004 Replacement

(h) Barbed wire, razor wire, concertina and the electrification of fencing are expressly prohibited.

(i) Fences for lots with swimming pools shall conform to the regulations provided in Section 1442.04.

(j) Fences surrounding tennis courts shall not exceed 12 feet in height.

(k) No fences in residential districts shall unreasonably restrict the view or impair openness.

(Ord. 95-10. Passed 3-6-95; Ord. 2001-08. Passed 5-21-01.)

**1462.03 RESPONSIBILITY OF OWNERS AND OCCUPANTS;
EXEMPTIONS.**

(a) It shall be the responsibility of the owner and/or occupant of the property where a fence or wall is erected to maintain the structure in good repair at all times. If a fence or wall is found to be in a deteriorated condition and/or in need of repair, including, but not limited to, broken or missing structural components, and/or the fence is substantially less than perpendicular to grade, the Building Enforcement Officer or his or her authorized agent may order the fencing to be repaired, replaced or removed, depending on the condition of the fence. Such order shall be in writing.

(b) The provisions of this chapter shall not apply to fences, walls or shrubbery owned or maintained by the Village, or to fences constructed or maintained by any other governmental body or agency for which the principal purpose is inherent to public safety.

(Ord. 95-10. Passed 3-6-95; Ord. 2001-08. Passed 5-21-01.)

1462.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

2004 Replacement

CHAPTER 1464
Flood Damage Prevention

- 1464.01 Purpose.
- 1464.02 Definitions.
- 1464.03 Administration and enforcement generally.
- 1464.04 Duties of the enforcement official(s).
- 1464.05 Base flood elevation.
- 1464.06 Occupation and use of flood fringe areas.
- 1464.07 Occupation and use of identified floodways.
- 1464.08 Occupation and use of SFHA areas where floodways are not identified.
- 1464.09 Permitting requirements applicable to all flood plain areas.
- 1464.10 Other development requirements.
- 1464.11 Variances.
- 1464.12 Disclaimer of liability.
- 1464.13 Interpretation; conflict of laws.
- 1464.14 Violations; remedies.
- 1464.99 Penalty.

CROSS REFERENCES

- Obstruction or pollution of watercourses - see GEN. OFF. 624.08
- Water generally - see S.U. & P.S. Ch. 1040
- Lowland Conservancy Overlay District - see B. & H. Ch. 1468
- Storm water runoff control - see B. & H. Ch. 1478

1464.01 PURPOSE.

This chapter is enacted pursuant to the police powers granted to this Village by Chapter 24, Sections 1-2-1, 11-12-12m, 11-30-8 and 11-31-2, of the Illinois Revised Statutes. The purposes of this chapter are to maintain this Village's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding, including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the

public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This chapter is adopted to accomplish the following specific purposes:

(a) To meet the requirements of Chapter 19, Paragraph 65(g), of the Illinois Revised Statutes, 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 the flood or drainage hazards to others, or create unstable conditions susceptible to erosions;

(c) To protect new buildings and major improvements to buildings from flood damage;

(d) To protect human life and health from the hazards of flooding;

(e) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;

(f) To make Federally subsidized flood insurance available for property in the Village by fulfilling the requirements of the National Flood Insurance Program;

(g) To comply with the rules and regulations of the National Flood Insurance Program, codified as 44 CFR 59-79, as amended;

(h) To protect, conserve, and promote the orderly development of land and water resources;

(i) To preserve the natural hydrologic and hydraulic watercourses and flood plains and to protect water quality and aquatic habitats;

(j) To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(Ord. 91-11. Passed 6-17-91.)

1464.02 DEFINITIONS.

For the purposes of this chapter, the following definitions are adopted:

(a) "Act" means an Act in Relation to the Regulation of the Rivers, Lakes and Streams of the State of Illinois, Ill. Rev. Stat. 1987, Ch. 19, Par. 52 et seq.

(b) "Applicant" means any person, firm, corporation or agency which submits an application.

(c) "Appropriate use" means only uses of the regulatory floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in Section 1464.07(b).

(d) “Base flood” means the flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in Section 1464.05 of this chapter.

(e) “Building” means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days, unless they are fully licensed and ready for highway use.

(f) “Channel” means any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainage-way, which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

(g) “Channel modification” means alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining and significant removal of bottom or woody vegetation. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification typically involving relocation of the existing channel (e.g. straightening).

(h) “Compensatory storage” means an artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the flood plain storage and can increase off-site floodwater elevations and flows.

(i) “Conditional approval of a regulatory floodway map change” means preconstruction approval by DWR and the Federal Emergency Management Agency of a proposed change to the floodway map. This preconstruction approval, 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 the review and acceptance of as-built plans.

(j) “Conditional Letter of Map Revision (CLOMR)” means a letter which indicates that the Federal Emergency Management Agency will revise base flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective Flood Hazard Boundary Map or Flood Insurance Rate Map, once the as-built plans are submitted and approved.

(k) “Control structure” means a structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

(l) “Dam” means all obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included.

(m) “Development” means any man-made change to real estate, including:

(1) Construction, reconstruction, repair, or placement of a building or any addition to a building.

(2) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days. If the travel trailer or recreational vehicle is on site for less than 180 days, it must be fully licensed and ready for highway use.

(3) Drilling, mining, installing utilities, construction of roads or bridges, storage of equipment or materials, or similar projects.

(4) Demolition of a structure or redevelopment of a site.

(5) Clearing of land as an adjunct of construction.

(6) Construction or erection of levees, walls, fences, dams, or culverts; channel modification; filling, dredging, grading, excavating, paving or other nonagricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste.

(7) Any other activity of man 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 re-roofing or re-surfacing of roads when there is no increase in elevation, or gardening, plowing and similar agricultural practices that do not involve filling, grading, or construction of levees.

(n) “DWR” means the Illinois Department of Transportation, Division of Water Resources.

(o) “Elevation certificates” means a form published by the Federal Emergency Management Agency that is used to certify the elevation to which a building has been elevated.

(p) “Erosion” means the general process whereby soils are moved by flowing water or wave action.

(q) “Exempt organizations” means organizations which are exempt from this chapter per the Illinois Revised Statutes, including State, Federal or local units of government.

(q-1) “Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before April 1, 1990.

(q-2) “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

(r) “FEMA” means the Federal Emergency Management Agency and its regulations at 44 CFR 59-79, effective as of October 1, 1986. This incorporation does not include any later editions or amendments.

(s) “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

(t) “Flood frequency” means 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.

(u) “Flood fringe” means that portion of the flood plain outside of the regulatory floodway.

(v) “Flood Insurance Rate Map (FIRM)” means 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.

(w) “Flood plain” means 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 elevation. Flood plains may also include detached Special Flood Hazard Areas, ponding areas, etc. The flood plain is also known as the Special Flood Hazard Area (SFHA). The flood plains are those lands within the jurisdiction of the Village that are subject to inundation by the base flood or 100-year frequency flood. The SFHA's of the Village are generally identified as such on the Flood Insurance Rate Map of the Village prepared by the Federal Emergency Management Agency (or the U.S. Department of Housing and Urban Development). The SFHA's of those parts of unincorporated Kane County that are within the extraterritorial jurisdiction of the City or that may be annexed into the Village are generally identified as such on the Flood Insurance Rate Map prepared for Kane County by the Federal Emergency Management Agency (or the U.S. Department of Housing and Urban Development) and dated March 1, 1982.

(x) “Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

(y) “Floodproofing certificate” means a form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

(z) “Flood protection elevation (FPE)” means the elevation of the base flood or 100-year frequency flood plus one foot of freeboard at any given location in the SFHA.

(aa) “Freeboard” means 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 those caused by ice or debris jams.

(aa-1) “Historic structure” means any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on such National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on the State inventory of historic places by the Illinois Historic Preservation Agency; or

(4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

(bb) “Hydrologic and hydraulic calculations” means an engineering analysis which determines expected flood flows and flood elevations based on land characteristics and rainfall events.

(cc) “Letter of map amendment (LOMA)” means an official determination by FEMA that a specific structure is not in a 100-year flood zone, which official determination amends the effective Flood Hazard Boundary Map or FIRM.

(dd) “Letter of map revision (LOMR)” means a letter that revises base flood or 100-year frequency flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FHBM or FIRM.

(ee) “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”

(ff) “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(gg) “Mitigation” means and includes those measures necessary to minimize the negative effects which flood plain development activities might have on public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration.

(hh) “NGVD” means the National Geodetic Vertical Datum of 1929 being a reference surface set by the National Geodetic Survey deduced from a continental adjustment of all existing adjustments in 1929.

(ii) “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 flood plain 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 re-established. Similarly, a modified channel may be restored to more natural conditions by man through regrading and re-vegetation.

(ii-1) “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 15, 1992.

(jj) “Ordinary high water mark (OHWM)” means the point on the bank or shore up to which the presence and action of surface water is so 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.

(kk) “Public flood control project” means a flood control project which will be operated and maintained by a public agency to reduce flood damage 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.

(ll) “Publicly navigable waters” means all streams and lakes capable of being navigated by watercraft.

(ll-1) “Recreational vehicle or travel trailer” means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel or seasonal use.

(mm) “Registered land surveyor” means a land surveyor registered in the State of Illinois, under The Illinois Land Surveyors Act (Ill. Rev. Stat. 1987, Ch. 111, Pars. 3201 through 3234).

(nn) “Registered professional engineer” means an engineer in the State of Illinois, under The Illinois Professional Engineering Act (Ill. Rev. Stat. 1987, Ch. 111, Pars. 5101 through 5137).

(oo) “Regulatory floodway” means the channel, including onstream lakes, and that portion of the flood plain adjacent to a stream or watercourse as designated by DWR, which is needed to store and convey the existing and anticipated future 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 ten percent increase in velocities. The regulatory floodways are designated on the Flood Boundary and Floodway Map prepared by DWR. The regulatory floodways for those parts of unincorporated Kane County that are within the extraterritorial jurisdiction of the Village that may be annexed into the Village are designated for Blackberry Creek on the Flood Boundary and Floodway Map prepared by FEMA (or Department of Housing and Urban Development) and dated March 1, 1982. To locate the regulatory floodway boundary on any site, the regulatory floodway boundary should be scaled off the regulatory 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 regulatory floodway boundary, the DWR should be contacted for the interpretation.

(pp) “Repair, remodeling or maintenance” means development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

(qq) “Retention/detention facility” means a retention facility which stores stormwater runoff without a gravity release or a detention facility which provides for the storage of stormwater runoff and the controlled release of this runoff during and after a flood or storm.

(rr) “Riverine SFHA” means any SFHA subject to flooding from a river, creek, intermittent stream, ditch, on stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

(ss) “Runoff” means 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.

(tt) “Sedimentation” means the processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

(uu) “Special Flood Hazard Area (SFHA)” means any base flood area subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel or ponding and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AE, A99, AH, V0, V30, VE, V, M, or E.

(vv) “Structure” means 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; installing a manufactured home on a site; preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days, unless they are fully licensed and ready for use.

(ww) “Substantial improvement” means any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged from any source, and is being restored, before the damage occurred. The term “substantial improvement” includes structures which were damaged whereby the cost of restoring the structure to its predamaged condition would equal or exceed fifty percent of the market value before the damage occurred, regardless of the actual repair work performed. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural parts of a building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(1) Any project for improvement of a structure to comply with any existing State or local health, sanitary or safety code specifications which are necessary solely to assure safe living conditions; or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(xx) "Transition section" means the reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section, or vice versa.

(Ord. 91-11. Passed 6-17-91; Ord. 92-8. Passed 2-3-92; Ord. 92-14. Passed 6-15-92.)

1464.03 ADMINISTRATION AND ENFORCEMENT GENERALLY.

(a) The Building Enforcement Officer (BEO), with the advice of the Engineer for the Village (EFV), shall be responsible for fulfilling all of the duties listed in Section 1464.04.

(b) To fulfill those duties, the BEO/EFV first should use the criteria listed in Section 1464.05, Base Flood Elevation, to determine whether the development site is located within a flood plain. Once it has been determined that a site is located within a flood plain, the EFV must determine whether the development site is within a flood fringe, a regulatory floodway, or within a SFHA or flood plain on which no floodway has been identified. If the site is within a flood fringe, the BEO/EFV shall require that the minimum requirements of Section 1464.06 be met. If the site is within a floodway, the BEO/EFV shall require that the minimum requirements of Section 1464.07 be met. If the site is located within a SFHA or flood plain for which no detailed study has been completed and approved, the BEO/EFV shall require that the minimum requirements of Section 1464.08 be met.

(c) In addition, the general requirements of Section 1464.09 shall be met for all developments meeting the requirements of Sections 1464.06 to 1464.08. The BEO/EFV shall assure that all subdivision proposals shall meet the requirements of Section 1464.10.

(d) If a variance is to be granted for a proposal, the EFV shall review the requirements of Section 1464.11 to make sure they are met. In addition, the BEO/EFV shall complete all notification requirements.

(e) In order to assure that property owners obtain permits as required in this chapter, the Village may take any and all actions as outlined in Section 1464.14. (Ord. 91-11. Passed 6-17-91.)

1464.04 DUTIES OF THE ENFORCEMENT OFFICIAL(S).

The BEO/EFV shall be responsible for the general administration and enforcement of this chapter, which shall include the following:

44A Flood Damage Prevention 1464.04

(a) Determining the Flood Plain Designation. Check all new development sites to determine whether they are in a Special Flood Hazard Area (SFHA). If they are in a SFHA, determine whether they are in a floodway, flood fringe or a flood plain on which a detailed study has not been conducted which drains more than one square mile.

(b) Professional Engineer Review. If the development site is within a floodway or is one for which a detailed study has not been conducted and which drains more than one square mile, then the permit shall be referred to a registered professional engineer (PE) under the employ or contract of the Village for review to ensure that the development meets the requirements of Section 1464.07. In the case of an appropriate use, the PE shall state in writing that the development meets the requirements of Section 1464.07.

(c) Dam Safety Requirements. Ensure that a DWR dam safety permit has been issued or a letter indicating no dam safety permit is required, if the proposed development activity includes the construction of a dam as defined in Section 1464.02(l). Regulated dams may include weirs, restrictive culverts or impoundment structures.

(d) Other Permit Requirements. Ensure that any and all required Federal, State and local permits are received prior to the issuance of a flood plain development permit.

(e) Plan Review and Permit Issuance. Ensure that all development activities within the SFHA's of the jurisdiction of the Village meet the requirements of this chapter and issue a flood plain development permit in accordance with the provisions of this chapter and other regulations of this community when the development meets the conditions of this chapter.

(f) Inspection Review. Inspect all development projects before, during and after construction to assure proper elevation of this structure and to assure they comply with the provisions of this chapter.

(g) Elevation and Floodproofing Certificates. Maintain in the permit files an elevation certificate certifying the elevation of the lowest floor (including the basement) of a residential or non-residential building, or the elevation to which a non-residential building has been floodproofed, using a floodproofing certificate, for all buildings subject to Section 1464.09 for public inspection and provide copies of the same.

(h) Records for Public Inspection. Maintain for public inspection and furnish upon request base flood data, SFHA and regulatory floodway maps, copies of Federal or State permit documents, variance documentation, conditional letters of map revision, letters of map amendment and "as built" elevation and floodproofing or elevation and floodproofing certificates for all buildings constructed subject to this chapter.

(i) State Permits. Ensure that construction authorization has been granted by the Illinois Division of Water Resources, for all development projects subject to Sections 1464.07 and 1464.08, unless enforcement responsibility has been delegated to the Village. Upon the acceptance of this chapter by DWR and FEMA, responsibility is hereby delegated to the Village as per 92 Ill. Adm. Code 708 for construction in the regulatory floodway and flood plain when floodways have not been defined in Sections 1464.07 and 1464.08. However, the following review approvals are not delegated to the Village and shall require review of permits from DWR:

(1) Organizations which are exempt from this chapter, as per the Illinois Revised Statutes;

(2) Department of Transportation projects, dams or impoundment structures as defined in Section 1464.02(l), and all other State, Federal or local unit of government projects, including projects of the Village and County, except for those projects meeting the requirements of Section 1464.07(b)(6);

(3) An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per Section 1464.07(b)(2);

(4) An engineer's analysis of the flood profile due to Section 1464.07(b)(2)D.;

(5) Alternative transition sections and hydraulically equivalent compensatory storage as indicated in Section 1464.07(b)(2)A., B. and H.;

(6) Permit issuance of structures within or over publicly navigable rivers, lakes and streams;

(7) Any changes in the base flood elevation or floodway locations;
and

(8) Base flood elevation determinations where none now exist.

(j) Cooperation with Other Agencies. Cooperate with State and Federal flood plain management agencies to improve base flood or 100-year frequency flood and floodway data and to improve the administration of this chapter. Submit data to DWR and the Federal Emergency Management Agency of any proposed amendments to this chapter.

(k) Promulgate Regulations. Promulgate rules and regulations as necessary to administer and enforce the provisions of this chapter, subject however to the review and approval of DWR and FEMA for any chapter changes.

(Ord. 91-11. Passed 6-17-91.)

1464.05 BASE FLOOD ELEVATION.

This chapter's protection standard is based on the flood insurance study for the Village. If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best

existing data available in the Illinois State Water Survey's Flood Plain Information Repository. When a party disagrees with the best available data, he or she may finance the detailed engineering study needed to replace existing data with better data and submit it to DWR and FEMA.

(a) The base flood or 100-year frequency flood elevation for the SFHA's of those parts of unincorporated Kane County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Kane County prepared by FEMA (or the Department of Housing and Urban Development) and dated March 1, 1982, and such amendments or revisions to such study and maps as may be prepared from time to time. Areas not delineated on the 100-year flood profiles in the Flood Insurance Study of Kane County prepared by FEMA (or the Department of Housing and Urban Development) shall be the responsibility of the developer and property owners to provide substantive data, satisfactory to the Village of Elburn, so as to comply with the provisions of this chapter.

(b) The base flood or 100-year frequency flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the Village.

(c) The base flood or 100-year frequency flood elevation for each of the remaining SFHA's delineated as an "A Zone" on the Flood Insurance Rate Map of the Village shall be according to the best existing data available in the Illinois State Water Survey Flood Plain Information Repository. When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-II, WSP-2, or a dynamic model such as HIP. The flood flows used in the hydraulic model shall be determined from a model such as HEC-I TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges. Flood flows should be based on anticipated future land use conditions in the watershed as determined from adopted local and regional land use plans. Along any watercourses draining more than one square mile, the above analyses shall be submitted to DWR for approval; once approved, they must be submitted to the Illinois State Water Survey Floodplain Information Repository for filing. For a non-riverine SFHA, the base flood elevation shall be the historic flood of record plus three feet, unless calculated by a detailed engineering study and approved by the Illinois State Water Survey.

(Ord. 91-11. Passed 6-17-91; Ord. 92-8. Passed 2-3-92.)

1464.06 OCCUPATION AND USE OF FLOOD FRINGE AREAS.

Development in and/or filing of the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation, and compensatory storage and other provisions of this chapter are met. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this section, along with the requirements of Section 1464.09.

(a) Development Permits.

(1) No person, firm, corporation, or government body not exempted by State law shall commence any development in the SFHA without first obtaining a development permit from the Village.

(2) Application for a development permit shall be made on a form provided by the BEO. The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and a legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations in M.S.L., 1929 adj. datum or N.G.V.D. and all changes in grade resulting from excavation or filling; and the location and dimensions of all buildings and additions to buildings. For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of Section 1464.09.

(3) Upon the receipt of a development permit application, the BEO/EFV shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Any development located on land that can be shown to have been higher than the base flood elevation as of the site's first Flood Insurance Rate Map identification is not in the SFHA and, therefore, not subject to the requirements of this chapter. The BEO shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

(4) A soil erosion and sedimentation control plan for disturbed areas shall be submitted. 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 re-vegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

(5) The BEO shall be responsible for obtaining from the applicant, copies of all other local, State and Federal permits, and approvals or permit-not-required letters that may be required for this type of activity. The BEO shall not issue a permit unless all other local, State and Federal permits have been obtained.

(b) Preventing Increased Damages.

(1) No development in the flood fringe shall create a threat to public health and safety.

(2) If fill is being used to elevate the site above the base flood or 100-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the flood plain.

(3) Whenever any portion of a flood plain is authorized for use, the volume of space which will be occupied by the authorized use or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to 1.0 times the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All flood plain storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All flood plain storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

(Ord. 91-11. Passed 6-17-91.)

1464.07 OCCUPATION AND USE OF IDENTIFIED FLOODWAYS.

This section applies to proposed development, redevelopment, site modification or building modification within a regulatory floodway. The regulatory floodway for Blackberry Creek shall be as delineated on the regulatory floodway maps designated by DWR and referenced in Section 1464.02(oo). Only those uses and structures will be permitted which meet the criteria in this section. All floodway modifications shall be the minimum necessary to accomplish the purpose of the project. The development shall also meet the requirements of Section 1464.09.

(a) Development Permits.

(1) No person, firm, corporation or governmental body not exempted by State law shall commence any development in a floodway without first obtaining a development permit from the BEO.

(2) Application for a development permit shall be made on a form provided by the BEO. The application shall include the following information:

- A. Name and address of applicant;
- B. 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;
- C. Name of stream or body of water affected;
- D. Description of proposed activity;
- E. Statement of purpose of proposed activity;
- F. Anticipated dates of initiation and completion of activity;
- G. Name and mailing address of the owner of the subject property if different from the applicant;
- H. Signature of applicant or the applicant's agent;
- I. If the applicant is a corporation, the president or other authorized officer shall sign the application form;
- J. If the applicant is a partnership, each partner shall sign the application form;
- K. If the applicant is a land trust, the trust officer shall sign the name of the trustee by him or her as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein.
- L. Plans of the proposed activity shall be provided which include, as a minimum:
 1. A vicinity map showing the site of the activity, name of the waterway, boundary lines, name of the roads in the vicinity of the site, graphic or numerical scale, and north arrow;
 2. A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of conditions or work, elevations in mean sea level (1929 adjustment) datum or N.G.V.D., adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), regulatory floodway limit, flood plain limit, specifications and dimensions of any proposed channel modifications, location and orientation of cross-sections, north arrow, and a graphic or numerical scale;

3. 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 elevations, normal water elevation, ten-year frequency flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical);

4. A soil erosion and sedimentation 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 re-vegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

5. A copy of the regulatory floodway map, marked to reflect any proposed change in the regulatory floodway location;

M. Any and all other local, State and Federal permits or approval letters that may be required for this type of development;

N. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of subsection (b) hereof;

O. 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 DWR has indicated conditional approval of the regulatory floodway map change. No structures may be built until a letter of map revision has been approved by FE.

P. The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations, and all changes in grade resulting from any proposed excavation or filling, and flood plain and floodway limits; shall be sealed by a registered professional engineer, licensed architect or registered land surveyor; and shall show the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 1464.09;

Q. 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 proposed work;
2. A discussion of the feasibility 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 projects 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 paragraph (b)(2)D.1. hereof would have on the physical and biological conditions of the body of water affected; and
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.

(3) The BEO shall be responsible for obtaining from the applicant copies of all other local, State, and Federal permits and approvals that may be required for this type of activity. The BEO shall not issue the development permit unless all required Federal and State permits have been obtained. A registered professional engineer, under the employ or contract of the Village, shall review and approve applications reviewed under this section.

(b) Preventing Increased Damages; and a List of Appropriate Uses.

(1) Appropriate uses generally. The only developments in a floodway which will be allowed are appropriate uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter. Only those appropriate uses listed in 92 Ill. Adm. Code 708 will be allowed. Appropriate uses do not include the construction or placement of any new structures, fill, buildings, additions, buildings on stilts, excavations or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a defined above as an appropriate use. The approved uses are as follows:

A. Flood control structures, dikes, dams, and other public works or private improvements relating to the control of drainage, flooding, erosion, or water quality or habitat for fish and wildlife;

B. Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water dependent uses;

C. Storm and sanitary sewer outfalls;

D. Underground and overhead utilities;

E. Recreational facilities such as playing fields and trail systems, including any related fencing (at least fifty percent open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions;

F. Detached garages, storage sheds, or other nonhabitable accessory structures without toilet facilities to existing buildings that will not block flood flows, nor reduce floodway storage;

G. Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto;

H. Parking lots and any modifications thereto (where depth of flooding at the 100-year frequency flood event will not exceed one foot) and aircraft parking aprons built at or below ground elevation;

I. Regulatory floodway regrading, without fill, to create a positive non-erosive slope toward a watercourse.

J. Floodproofing activities to protect previously existing lawful structures, including the construction of water tight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten feet away from the exterior wall of the existing substantial improvements to the structure;

K. In the case of damaged or replacement buildings, reconstruction or repairs made to a building that are valued at less than fifty percent of the market value of the building before it was damaged or replaced, and which do not increase the outside dimensions of the building;

L. Additions to existing buildings above the FE that do not increase the building's footprint and are valued at less than fifty percent of the market value of the building.

(2) Criteria for appropriate use. Within the regulatory floodway as identified on the regulatory floodway maps designated by DWR, the construction of an appropriate use will be considered permissible, provided that the proposed project meets the following engineering and mitigation criteria and that such fact is so stated in writing with

supporting plans, calculations and data by a registered professional engineer, and provided, further, that any structure meets the protection requirements of Section 1464.09:

A. Preservation of flood conveyance, so as not to increase flood stages upstream. For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective regulatory floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective regulatory floodway conveyance, the following factors shall be taken into consideration:

1. Regulatory floodway conveyance, $K = 1.486$

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n

2. The same Mannings's "n" value shall be used for both existing and proposed conditions will be maintained or the land cover is changing from the vegetative to a non-vegetative land cover.

3. Transition sections shall be provided and used in calculations of effective regulatory floodway conveyance. The following expansion and contraction ratios shall be used, unless an applicant's engineer can prove to DWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

a. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.

b. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot of the flooded stream's length.

c. When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.

d. Transition sections shall be provided between cross-sections with rapid expansions and contractions, and when meeting the regulatory floodway delineation on adjacent properties.

e. All cross-sections used in the calculations shall be located perpendicular to flood flows.

B. Preservation of floodway storage so as not to increase downstream flooding. Compensatory storage shall be provided for any regulatory floodway storage loss due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects. Compensatory storage for fill or structures shall be equal to at least 1.0 times the volume of flood plain storage lost. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory regulatory floodway storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All regulatory floodway storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All regulatory floodway storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate to DWR through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent. Finally, there shall be no reduction in floodway surface area as a result of a floodway modification, unless such modification is necessary to reduce flooding at an existing structure.

C. Preservation of floodway velocities so as not to increase stream erosion or flood heights. For all appropriate uses, except bridges or culverts or on-stream structures, the proposed work will not result in an increase in the average channel or regulatory floodway velocities or stage, for all flood events up to and including the 100-year frequency event. However, in the case of bridges or culverts or on stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour erosion and sedimentation will be avoided by the use of rip-rap or other measures.

D. Construction of new bridges or culvert crossings and roadway approaches. The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements. If the proposed construction will increase upstream flood stages greater than 0.1 feet, the developer must contact DWR, Dam Safety Section for a dam safety permit or waiver.

1. The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in Section 1464.05. Culverts must be analyzed using the U.S. DOT, FHWA Hydraulic Chart for the Selection of Highway Culverts. Bridges must be analyzed using the U.S. DOT/Federal Highway Administration Hydraulics of Bridge Waterways calculations procedures.

2. Lost floodway storage must be compensated for per paragraph (b)(2)B. hereof.

3. Velocity increases must be mitigated per paragraph (b)(2)C. hereof.

4. If the crossing is proposed over a public water that is used for recreation or commercial navigation, a Department of Transportation permit must be received.

5. The hydraulic analysis for the backwater caused by the bridge, showing the existing condition and proposed regulatory profile, must be submitted to DWR for concurrence that a CLOMR is not required by paragraph (b)(2)H. hereof.

6. All excavations for the construction of the crossing shall be designed per paragraph (b)(2)H. hereof.

E. Reconstruction or modification of existing bridges, culverts, and approach roads.

1. The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than a 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage.

2. If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream flood plain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.

3. The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with the Department of Transportation Rules, 92 Ill. Adm. Code 708 (Floodway Construction in Northeastern Illinois), and submitted to the DWR for review and concurrence before a permit is issued.

F. On-stream structures built for the purpose of backing up water. Any increase in upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the 100-year frequency event, shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements. A permit or letter indicating that a permit is not required must be obtained from DWR, Dam Safety Section, for a dam safety permit or waiver for any structure built for the purpose of backing up water in the stream during normal or flood flow. All dams and impoundment structures as defined in Section 1464.02(l) shall meet the permitting requirements of 92 Ill. Adm. Code 702 (Construction and Maintenance of Dams). If the proposed activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:

1. The impoundment is determined to be in the public interest by providing flood control, public recreation or regional stormwater detention;

2. The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;

3. The impoundment will not cause or contribute to degraded water quality or habitat conditions. Impoundment design should include gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin.

4. A non-point source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as to minimize the input of nutrients, oil and grease, metals, and other pollutants. If there is more than one municipality in the upstream watershed, the municipality in which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control;

5. The project otherwise complies with the requirements of this section.

G. Floodproofing of existing habitable, residential and commercial structures. If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the floodproofing construction shall be placed no further than ten feet from the outside of the building. Compensation of lost storage and conveyance will not be required for floodproofing activities.

H. Excavation in the floodway. When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance for other appropriate uses, transition sections shall be provided for the excavation. The following expansion and contraction ratios shall be used, unless an applicant's engineer can prove to DWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency.

1. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal every four feet of the flooded stream's length;

2. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length;

3. When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used; and

4. Erosion/scour protection shall be provided inland, upstream and downstream of the transition sections.

I. If the proposed activity involves a channel modification, it shall be demonstrated that:

1. There are no practicable alternatives to the activity which would accomplish its purpose with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, floodproofing of existing structures, removal of structures from the flood plain, clearing the channel, high flow channel, or the establishment of a stream side buffer strip or green belt. Channel modification is acceptable if the purpose is to restore natural conditions and improve water quality and fish and wildlife habitat;

2. Water quality, habitat, and other natural functions would be significantly improved by the modification and no significant habitat area may be destroyed, or the impacts are offset by the replacement of an equivalent degree of natural resource values;

3. The activity has been planned and designed and will be constructed in a way which will minimize its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria:

a. The physical characteristics of the modified channel shall match as closely as possible those of the section, slope and sinuosity. If the existing channel has been previously modified, restoration of more natural physical conditions should be incorporated into channel modification design, where practical.

b. Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion.

c. One-sided construction of a channel shall be used when feasible. Removal of streamside (riparian) vegetation should be limited to one side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation.

d. Clearing of vegetation shall be limited to that which is essential for construction of the channel.

e. Channel banks shall be constructed with a side slope no steeper than 3:1 horizontal to vertical, wherever practicable. Natural vegetation and gradual side slopes are the preferred methods for bank stabilization. Where high velocities or sharp bends necessitate the use of

alternative stabilization measures, natural rock or rip-rap are preferred materials. Artificial materials such as concrete, gabions, or construction rubble should be avoided unless there are no practicable alternatives.

f. All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of construction. Erosion blanket or an equivalent material shall be required to channel banks prior to establishment of the vegetative cover.

g. If the existing channel contains considerable bottom diversity such as deep pools, riffles, and other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established, where appropriate.

h. A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of downstream water quality.

i. New or relocated channels should be built in the dry and all items of construction, including vegetation, should be completed prior to diversion of water into the new channel.

j. There shall be no increases in stage or velocity as the channel enters or leaves the project site for any frequency flood, unless necessitated by a public flood control project or unless such an increase is justified as part of a habitat improvement or erosion control project.

k. Unless the modification is for a public flood control project, there shall be no reduction in the volume of floodway as a result of the modification; and

4. The project otherwise complies with the requirements of this section.

J. Seeding and stabilization plan. For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.

K. Soil erosion and sedimentation measures. 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 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 days after final grade is reached on any portion of the site and within fifteen days to denuded areas which may not be at final grade but will remain undisturbed for longer than sixty 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 feet in width shall be preserved and/or re-established, where possible, along existing channels (See paragraph (b)(2)P. hereof). Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be restabilized immediately.

5. Soil erosion and sedimentation control measures shall be designed and implemented consistent with Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois (1988), also known as the "Green Book," and Standards and Specification for Soil Erosion and Sediment Control (EPA, 1987).

L. Public flood control projects. For public flood control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to DWR through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.

M. General criteria for analysis of flood elevations.

1. The flood profiles, flows and floodway data in the regulatory floodway study, referenced in Section 1464.05, must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, DWR shall be contacted for approval and concurrence on the appropriate base conditions data to use.

2. If the 100-year regulatory floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed constructions shall be shown to meet the requirements of this section for the 100-year frequency flood elevations of the regulatory floodway conditions and conditions with the receiving stream at normal water elevations.

3. If the applicant learns from DWR, a local government, or a private owner, that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, or modified or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.

N. Conditional letter of map revision. If the appropriate use would result in a change in the regulatory floodway location or the 100-year frequency flood elevation, the applicant shall submit to DWR and to FEMA all the information, calculations and documents necessary to be issued a conditional approval of the regulatory floodway change before a permit is issued. However, the final regulatory floodway map will not be changed by DWR until as-built plans or record drawings are submitted and accepted by FEMA and DWR. In the case of non-government projects, the Municipality in incorporated areas and the County in unincorporated areas shall concur with the proposed conditional regulatory floodway map revision before DWR approval can be given. No filling, grading, dredging or excavating shall take place until a conditional approval is issued. No further development activities shall take place until a final letter of map revision (LOMR) is issued by FEMA and DWR.

O. Professional engineer's supervision. All engineering analyses shall be performed by or under the supervision of a registered professional engineer.

P. Criteria for construction within twenty-five feet of channel. For all activities in the floodway involving construction within twenty-five feet of the channel, the following criteria shall be met:

1. A natural vegetation buffer strip shall be preserved within at least twenty-five feet of the ordinary high water mark of the channel.

2. Where it is impossible to protect this buffer strip during the construction of an appropriate use, a vegetated buffer strip shall be established upon completion of construction.

3. The use of native riparian vegetation is preferred in the buffer strip. Access through this buffer strip shall be provided, when necessary, for stream maintenance purposes.

After receipt of conditional approval of the regulatory floodway change and issuance of a permit and a conditional letter of map revision, construction as necessary to change the regulatory floodway designation may proceed, but no buildings or structures or other construction that is not an appropriate use may be placed in that area until the regulatory floodway map is changed and a final letter of map revision is received. The regulatory floodway map will be revised upon acceptance and concurrence by DWR and FEMA of the "as built" plans.

(3) State review. For those projects listed below located in a regulatory floodway, the following criteria shall be submitted to DWR for its review and concurrence prior to the issuance of a permit:

A. DWR will review an engineer's analysis of the flood profile due to a proposed bridge pursuant to paragraph(b)(2)D. hereof.

B. DWR will review an engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, pursuant to paragraphs (b)(2)E. hereof.

C. The DWR will review alternative transition sections and hydraulically equivalent storage pursuant to paragraphs (b)(2)A., B. and H. hereof.

D. The DWR will review and approve, prior to the start of construction, any Department projects, dams (as defined in Section 1464.02(1)) and all other State, Federal or local units of government projects, including projects of the Municipality or County.

(4) Other permits. In addition to the other requirements of this chapter, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from DWR, issued pursuant to Illinois Revised Statutes, Chapter 19, Section 52 et seq. No permit from DWR shall be required if the DWR has delegated this responsibility to the Village.

(5) Dam safety permits. Any work involving the construction, modification, or removal of a dam, as defined in Section 1464.02(1), per 92 Ill. Adm. Code 702 (Rules for Construction of Dams), shall obtain an Illinois Division of Water Resources dam safety permit prior to the start of construction of a dam. If the BEO/EFV finds a dam that does not have a DWR permit, the BEO shall immediately notify the owner of the dam, DWR, Dam Safety Section, in Springfield and the Illinois Emergency Services and Disaster Agency (ESDA).

(6) Activities that do not require a registered professional engineer's review. The following activities may be permitted without a registered professional engineer's review. Such activities shall still meet the other requirements of this chapter, including the mitigation requirements.

A. Underground and overhead utilities that:

1. Do not result in any increase in existing ground elevations; or
2. Do not require the placement of above-ground structures in the floodway.

In the case of an underground stream crossing, the top of the pipe or encasement shall be buried a minimum of three feet below the existing stream bed.

In the case of overhead utilities, no supporting towers shall be placed in the watercourse, and all supporting towers shall be designed in such a fashion as not to catch debris.

B. Storm and sanitary sewer outfalls that:

1. Do not extend riverward or lakeward of the existing adjacent natural bank slope;
2. Do not result in an increase in ground elevation; and
3. Are designed so as not to cause stream erosion at the outfall location.

C. Construction of sidewalks, athletic fields (excluding fences), properly anchored playground equipment and patios at grade.

D. Construction of shoreline and streambank protection where:

1. The shoreline and streambank do not exceed 1,000 feet in length.
2. Materials are not placed higher than the existing top of the bank.
3. Materials are placed so as not to reduce the cross-sectional area of the stream channel or bank of the lake.
4. Vegetative stabilization and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high-channel velocities, sharp bends or wave action necessitate the use of alternative stabilization measures, natural rock or rip-rap are preferred materials. Artificial materials such as concrete, construction rubble, and gabions should be avoided unless there are no practicable alternatives.

E. Temporary stream crossings in which:

1. The approach roads will be one-half foot or less above natural grade.
2. 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.
3. The top of the roadway fill in the channel will be at least two feet below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.
4. All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.
5. The access road and temporary crossings will be removed within one year after authorization.

(Ord. 91-11. Passed 6-17-91; Ord. 92-8. Passed 2-3-92; Ord. 92-21. Passed 9-21-92.)

1464.08 OCCUPATION AND USE OF SFHA WHERE FLOODWAY ARE NOT IDENTIFIED.

In SFHA or flood plains (including AO Zones, AH Zones or Unnumbered A Zones), where no floodways have been identified and no base flood or 100-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or 100-year frequency flood elevation.

(a) Development Permits.

(1) No person, firm, corporation, or governmental body, not exempted by law, shall commence any development in a SFHA or flood plain without first obtaining a development permit from the BEO. Application for a development permit shall be made on a form provided by the BEO. The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions; existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including the basement) of all proposed buildings subject to the requirements of Section 1464.09.

The application for a development permit shall also include the following information:

A. A detailed description of the proposed activity, its purpose, and intended use;

B. Site location (including legal description) of the property, drawn to scale, on the regulatory floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;

C. Anticipated dates of initiation and completion of the activity;

D. Plans of the proposed activity, which shall include, as a minimum:

1. 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;

2. A plan view of the project and engineering study reach showing existing and proposed conditions, including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum or N.G.V.D., adjacent property lines and ownership, drainage and flood control easements, the distance between the proposed activity and the navigation channel (when the proposed construction is near a commercially navigable body of water), flood plain limit, location and orientation of cross-sections, north arrow, and a graphical or numerical scale;

3. 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 elevations, normal water elevation, ten-year frequency flood elevation, 100-year frequency flood elevation, and graphical or numerical scales (horizontal and vertical); and

4. Soil erosion and sedimentation 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 re-vegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

E. Engineering calculations and supporting data, showing that the proposed work will meet the criteria of subsection (b) hereof.

F. Any and all other local, State and Federal permits or approvals that may be required for this type of development.

(2) Based on the best available existing data according to the Illinois State Water Survey's Flood Plain Information Repository, the BEO/EFV shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to Section 1464.05(c). Any development located on land that can be shown to have been higher than the base flood elevation as of the site's first Flood Insurance Rate Map identification is not in the SFH and, therefore, not subject to the requirements of this chapter. The BEO shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

(3) The BEO shall be responsible for obtaining from the applicant copies of all other local, State, and Federal permits, or permit-not-required letters that may be required for this type of activity. The BEO shall not issue the development permit unless all required local, State and Federal permits have been obtained.

(b) Preventing Increased Damages.

(1) No development in the SFHA, where a floodway has not been determined, shall create a damaging or potentially damaging increase in flood heights or velocity or threat to the public health, safety and welfare, impair the natural hydrologic and hydraulic functions of the floodway or channel, or impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter.

(2) Within all riverine SFHA's where the floodway has not been determined, the following standards shall apply:

A. The developer shall have a registered professional engineer state in writing and show through supporting plans, calculations, and data that the project meets the engineering requirements of Section 1464.07(b)(2)A. through L. for the entire flood plain as calculated under the provisions of Section 1464.05(c). As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to DWR for acceptance as a regulatory floodway. Upon acceptance of his or her floodway by the Department, the developer shall then demonstrate that the project meets the requirements of Section 1464.07 for the regulatory floodway. The floodway shall be defined according to the definition in Section 1464.02(oo).

B. A development permit shall not be issued unless the applicant first obtains a permit from DWR or written documentation that a permit is not required from DWR.

C. No permit from DWR shall be required if the DWR has delegated permit responsibility to the Village per 92 Ill. Adm. Code, Part 708, for regulatory floodways, per DWR's statewide permit entitled "Construction in Flood Plains with No Designated Floodways in Northeastern Illinois."

D. Any work involving the construction, modification or removal of a dam or an on-stream structure to impound water as defined in Section 1464.02(l) shall obtain an Illinois Division of Water Resources dam safety permit, or a letter indicating that a permit is not required, prior to the start of construction of a dam. If the BEO/EFV finds a dam which is believed to be in an unsafe condition, the BEO shall immediately notify the owner of the dam, the Illinois Emergency Services and Disaster Agency (ESDA), and the DWR, Dam Safety Section, in Springfield.

E. The following activities may be permitted without a registered professional engineer's review or calculation of a base flood elevation and regulatory floodway. Such activities shall still meet the other requirements of this chapter:

ground elevations;

1. Underground and overhead utilities that:

- a. Do not result in any increase in existing ground elevations;
- b. Do not require the placement of above-ground structures in the floodway.

In the case of underground stream crossings, the top of the pipe or encasement shall be buried a minimum of three feet below the existing stream bed.

In the case of overhead utilities, no supporting towers shall be placed in the watercourse, and all supporting towers shall be designed in such a fashion as not to catch debris.

2. Storm and sanitary sewer outfalls that:

- a. Do not extend riverward or lakeward 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 bank erosion at the outfall location.

3. Construction of shoreline and stream bed protection where:

- a. The shoreline and stream bed do not exceed 1,000 feet in length or two cubic yards per linear foot of stream bed.
- b. Materials are not placed higher than the existing top of the bank.

- c. Materials are placed so as not to reduce the cross-section area of the stream channel by more than ten percent.

- d. Vegetative stabilization and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocities, sharp bends or wave action necessitates the use of alternative stabilization measures, natural rock or rip-rap are preferred materials. Artificial materials such as concrete, construction rubble, and gabions should be avoided unless there are no practicable alternatives.

4. Temporary stream crossings in which:

- a. The approach roads will be one-half 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 two feet below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.

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.

5. The construction of light poles, sign posts and similar structures;

6. The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;

7. The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports built at or below existing grade that would not obstruct the flow of flood waters;

8. The placement of properly anchored buildings not exceeding seventy square feet in size, nor ten feet in any one dimension (e.g. animal shelters and tool sheds);

9. The construction of additions to existing buildings which do not increase the first floor area by more than twenty percent, which are located on the upstream or downstream side of the existing building, and which do not extend beyond the sides of the existing building that are parallel to the flow of flood waters;

10. Minor maintenance dredging of a stream channel where:

a. The affected length of the stream is less than 1,000 feet;

b. The work is confined to re-establishing flows in natural stream channels; or

c. The cross-sectional area of the dredged channel conforms to that of the natural channel upstream and downstream of the site.

F. The flood carrying capacity within any altered or relocated watercourse shall be maintained.

(3) Whenever any portion of a flood plain is authorized for use, the volume of space which occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulic equivalent volume of excavation taken from below the base flood or 100-year frequency flood

elevation. The excavation volume shall be at least equal to 1.0 times the volume of streams and watercourses and such excavation shall be made opposite or adjacent to the areas so filled or occupied. All flood plain storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

(Ord. 91-11. Passed 6-17-91; Ord. 92-8. Passed 2-3-92.)

1464.09 PERMITTING REQUIREMENTS APPLICABLE TO ALL FLOOD PLAIN AREAS.

In addition to the requirements found in Sections 1464.06 to 1464.08 for development in flood fringes, regulatory floodways, and SFHA or flood plains where no floodways have been identified (Zones A, AO, AH, AE, A1A30, A99, VO, V1-30, VE, V, M or E), the following requirements shall be met.

(a) Public Health Standards.

(1) No developments in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE.

(2) New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted, providing all manholes or other above ground-openings located below the FPE are watertight.

(b) Carrying Capacity and Notifications. 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 Village shall notify adjacent communities in writing thirty days prior to the issuance of a permit for the alteration or relocation of the watercourse.

(c) Protecting Buildings.

(1) All buildings located within a 100-year flood plain, also known as a SFHA, shall be protected from flood damage below the flood protection elevation. However, existing buildings located within a regulatory floodway shall also meet the more restrictive appropriate use standards included in Section 1464.07. This building protection criterion applies to the following situations:

A. Construction or placement of a new building;
B. A structural alteration to an existing building that either increases the first floor area by more than twenty percent or the building's market value by more than fifty percent. This alteration shall be figured cumulatively, beginning with any alteration which has taken place subsequent to April 1, 1990.

C. Installing a manufactured home on a new site or a new manufactured home on an existing site. This building protection requirement does not apply to returning a mobile home to the same site it lawfully occupied before it was removed to avoid flood damage.

D. Installing a travel trailer on a site for more than 180 days.

(2) A residential or non-residential building, when allowed, may be constructed on permanent land fill in accordance with the following:

A. The lowest floor, (including basement) shall be at or above the flood protection elevation.

B. The fill shall be placed in layers no greater than one foot deep before compaction, and should extend at least ten feet beyond the foundation of the building before sloping below the flood protection elevation. The top of the fill shall be above the flood protection elevation. However, the ten-foot minimum may be waived if a structural engineer certifies an alternative method to protect the building from damages due to hydrostatic pressures. The fill shall be protected against erosion and scour. The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

(3) A residential or non-residential building may be elevated in accordance with the following:

A. The building or improvements shall be elevated on crawl space, stilts, piles, walls, or another foundation that is permanently open to flood water and not subject to damage by hydrostatic pressures of the base flood or 100-year frequency flood. The permanent openings shall be no more than one foot above grade, and shall consist of a minimum of two openings. The openings must have a total net area of not less than one square foot of enclosed area subject to flooding below the base flood elevation.

B. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.

C. All areas below the flood protection elevation shall be constructed of materials resistant to flood damage. The lowest floor (including the basement) and all electrical, heating, and ventilating systems and utility meters shall be located at or above the flood protection elevation. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the flood protection elevation.

D. The areas below the flood protection elevation may be used only for the parking of vehicles, building access or storage in an area other than a basement.

E. Manufactured homes shall be anchored to resist flotation, collapse or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code 870. In addition, all manufactured homes shall meet the following elevation requirements:

1. In the case of manufactured homes placed or substantially improved outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage from a flood, the top of the lowest floor shall be elevated to or above the flood protection elevation.

2. In the case of manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, the manufactured home shall be elevated so that either the top of the lowest floor is above the base flood elevation or the chassis is at least thirty-six inches in height above grade and supported by reinforced piers or other foundations of equivalent strength, whichever is less.

F. Recreational vehicles or travel trailers shall be required to meet the elevation and anchoring requirements of paragraph (c)(3)E. hereof unless:

1. They are on site for less than 180 consecutive days; and
2. They are fully licensed and ready for highway use.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utility and service devices, and has no permanently attached additions.

(4) Only a non-residential building may be structurally dry floodproofed (in lieu of elevation), provided that a registered professional engineer shall certify that the building has been structurally dry floodproofed below the flood protection elevation and that the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice. Floodproofing measures shall be operable without human intervention and without an outside source of electricity (levees, beams, floodwalls and similar works are not considered floodproofing for the purpose of this paragraph).

Tool sheds and detached garages on an existing single-family platted lot may be constructed with the lowest floor below the flood protection elevation in accordance with the following:

- A. The building is not used for human habitation.
- B. All areas below the base flood or 100-year frequency flood elevation shall be constructed with waterproof material. Structures located in a regulatory floodway shall be constructed and placed on a building site so as not to block the flow of flood waters and shall also meet the appropriate use criteria of Section 1464.07. In addition, all other requirements of Sections 1464.06 through 1464.08 must be met.
- C. The structure shall be anchored to prevent flotation.
- D. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to the flood protection elevation.
- E. The building shall be valued at less than five thousand dollars (\$5,000) and shall be less than 500 square feet in floor size.
- F. The building shall be used only for the storage of vehicles or tools and may not contain other rooms, workshops, greenhouses or similar uses.

(5) Non-conforming structures located in a regulatory floodway may remain in use, but may not be enlarged, replaced or structurally altered. A non-conforming structure damaged by flood, fire, wind or other natural or man-made disaster may be restored unless the damage exceeds fifty percent of its market value before it was damaged, in which case it shall conform to this chapter.

(Ord. 91-11. Passed 6-17-91; Ord. 92-14. Passed 6-15-92.)

1464.10 OTHER DEVELOPMENT REQUIREMENTS.

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

(a) New subdivisions, manufactured home parks, annexation agreements, and planned unit developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with Sections 1464.06 through 1464.09 and the need to minimize flood damage. Plats or plans for new subdivisions, manufactured home parks and planned unit developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plans account for changes in the drainage of surface waters in accordance with the Plat Act (Ill. Rev. Stat., Ch. 109, Sec. 2).

(b) Proposals for new subdivisions, manufactured home parks, travel trailer parks, planned unit developments (PUDs), additions to manufactured home parks and additions to subdivisions shall include base flood or 100-year frequency flood elevation data and floodway delineations. Where this information is not available from an existing study filed with the Illinois State Water Survey, the applicant's engineer shall be responsible for calculating the base flood or 100-year frequency flood elevation per Section 1464.05(c) and the floodway delineation per the definition in Section 1464.02(o) and submitting it to the State Water Survey and DWR for review and approval as the best available regulatory data.

(c) Streets, clocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the flood plains shall be included within parks or other public grounds.

(d) The Board of Trustees shall not approve any planned unit development (PUD) or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this chapter. (Ord. 91-11. Passed 6-17-91; Ord. 92-8. Passed 2-3-92.)

1464.11 VARIANCES.

No variances shall be granted to any development located in a regulatory floodway, as defined in Section 1464.02(m). However, when a development proposal is located outside of a regulatory floodway, and whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the BEO for a variance. The BEO, with the advice of EFV, shall review the applicant's request for a variance and shall submit its recommendation to the Board of Trustees.

(a) No variances shall be granted unless the applicant demonstrates that:

- (1) The development activity cannot be located outside the SFHA;
- (2) An exceptional hardship would result if the variance were not granted;
- (3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health, safety or beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance;

(5) There will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing, or repairs to stream beds and banks, roads, utilities, or other public facilities;

(6) The provisions of Sections 1464.06(b) and 1464.08(b) shall be met;

(7) The activity is not in a regulatory floodway;

(8) The applicant's circumstances are unique and do not represent a general problem; and

(9) The granting of the variance will not alter the essential character of the area involved, including existing stream uses.

(b) The BEO shall notify an applicant in writing that a variance from the requirements of Section 1464.09 that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage;

(2) Increase the risks to life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that he or she will acknowledge in writing that he or she assumes the risk and liability.

(Ord. 91-11. Passed 6-17-91.)

(c) Variances requested in connection with restoration of a historic site or historic structure, as defined in Section 1464.02, may be granted using criteria more permissive than the requirements of subsections (a) and (b) hereof, provided that:

(1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and

(2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(Ord. 92-14. Passed 6-15-92.)

1464.12 DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This chapter does not imply that development, either inside or outside of the SFHA, will be free from flooding or

damage. This chapter does not create liability on the part of the Village, or any officer or employee thereof, for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

(Ord. 91-11. Passed 6-17-91.)

1464.13 INTERPRETATION; CONFLICT OF LAWS.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. This chapter is intended to repeal the original ordinance or resolution which was adopted to meet the National Flood Insurance Program regulations, but is not intended to repeal the resolution which the Village passed in order to establish initial eligibility for the program.

(Ord. 91-11. Passed 6-17-91.)

1464.14 VIOLATIONS; REMEDIES.

Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this chapter. Upon due investigation, the BEO may determine that a violation of the minimum standards of this chapter exists. The BEO shall notify the owner in writing of such violation.

(a) In addition to the penalty provided in Section 1464.99, 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 chapter or make such other order as the Court deems necessary to secure compliance with the chapter.

(2) The Village may record a notice of violation on the title to the property.

(b) The BEO 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.

(c) Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(Ord. 91-11. Passed 6-17-91.)

1464.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1466
Grading

- 1466.01 Purpose.
- 1466.02 Applicability.
- 1466.03 Definitions.
- 1466.04 Contents of grading plan.
- 1466.05 Procedures.
- 1466.06 Subdivisions and planned unit developments having an approved overall grading plan.
- 1466.07 Lots or parcels in subdivisions and planned unit developments without an approved overall grading plan or lots or parcels not in a subdivision or planned unit development.

- 1466.08 Issuance of building permits.
- 1466.09 Grading permits.
- 1466.10 Protective ground cover.
- 1466.11 Conditional occupancy permits.
- 1466.12 Noncompliance with approved grading plans.
- 1466.13 Appeals.
- 1466.14 Final occupancy permits.
- 1466.15 Village costs and grading permit fees.
- 1466.99 Penalty.

CROSS REFERENCES

Flood damage prevention - see B. & H. Ch. 1464

Lowland Conservancy Overlay District - see B. & H. Ch. 1468

Soil erosion and sedimentation control - see B. & H. Ch. 1477

Stormwater drainage and detention - see B. & H. Ch. 1478

1466.01 PURPOSE.

(a) The purpose of this chapter is to establish a procedure for the grading, filling, excavating or altering of the natural terrain or other aspects of the topography on property (including, but not limited to, the final grading of property) in the Village of Elburn (hereinafter referred to as the Village). Furthermore, this chapter is established to prevent unnecessary localized flooding and in doing so to reduce damage to real and/or personal property and to protect the public health, welfare and safety. The method of eliminating uncontrolled localized flooding shall be adherence to an approved grading plan for a subdivision as specified in the Subdivision Control Ordinance, shall be adherence to a grading plan for a planned unit development as specified in the Zoning Ordinance, shall be adherence to a grading plan for all other parcels not included within a subdivision or planned unit development that may cause the same problems or result in damage to real or personal property and may adversely affect the public health, welfare and safety.

(b) Specifically, this chapter is enacted to coordinate the grading, filling, excavating or altering final grading of individual parcels of land as the grading affects the subject parcel as well as all that property directly or indirectly affected by said parcel both public and private. The review of final grading plans as specified in this chapter shall take into account how the individual parcel relates to or is affected by the balance of the subdivision, PUD, adjoining or adjacent property.
(Ord. 99-17. Passed 8-16-99.)

1466.02 APPLICABILITY.

This chapter shall apply to, and a grading permit shall be required in each instance of any of the following: the erection, relocation, or substantial improvement of any structure or the filling, excavation, or altering of any parcel of land within the Village, or the storage of materials on any parcel of land in the Village. Grading plans must be approved by the Village, and a grading permit issued by the Village before any of the following activities can commence:

(a) Excavating, filling, or modifying the ground surface grades on Village rights-of-way and drainage easements; within regulatory flood plain and designated wetland areas; and within five feet of a property line.

(b) Any activity or storage of materials that alters storm water routing and storm water flow rate onto adjoining property and alters the volume of storm water stored on the property.

(c) Any activity that disturbs more than 5,000 square feet of ground cover, unless the activity involves the following:

- (1) Cultivation, conservation measures, or gardening; or
- (2) Installation, renovation, or replacement of septic system, potable water service line, or other utility service line or connection to serve an existing structure; or
- (3) Excavation or removal of vegetation in rights-of-way or public utility easements for the purpose of installing and maintaining utilities; or maintenance, repair, or at grade replacement of existing lawn areas.

(Ord. 99-17. Passed 8-16-99.)

1466.03 DEFINITIONS.

As used in this chapter the following words and terms shall be defined as follows:

(a) AS-CONSTRUCTED SURVEY OF FINAL GRADING: A topographical survey of the as-constructed grading prepared, sealed and signed by a registered land surveyor or registered professional engineer and certifying that the final grading is within two-inches of the grades shown in the grading plan approved by the Village. The elevation contour intervals shall be at 1.0 feet, at the same datum utilized by the grading plan, and in sufficient detail to adequately determine the proper final grading of a parcel as determined by the Village. This "As-Constructed Survey of Final

Grading” shall be provided by the permittee to the Village at the permittee's expense and shall show conformance with the approved grading plan. The As-Constructed Survey of Final Grading shall be performed and submitted after final grading has been accomplished but before the final seeding, sodding or landscaping takes place.

(b) **BUILDING SPOT SURVEY:** A topographical elevation survey showing in detail the top of the foundation wall, the elevation of all openings in the foundation wall, and the building location relative to the lot lines, and shall show the direction of the drainage flow. The aforementioned survey shall be prepared immediately after the foundation has been poured and backfilled. It shall be certified by a registered land surveyor. This building spot survey shall be provided by the permittee to the Village at the permittee's expense. The survey shall be prepared, sealed and signed by a State of Illinois Licensed Professional Engineer or Land Surveyor. It shall be drawn to a scale no smaller than one inch equals thirty feet (1"=30').

(c) **CRITICAL PARCELS:** Parcels not considered “Standard Parcels” on which the grading is critical to drainage on adjacent property and those parcels containing or adjacent to a storm water overflow route or those parcels containing or adjacent to an intermittent storm water flow route.

(d) **ELEVATION:** The elevation of structures, earth surface, or other items based upon established benchmarks in terms of the National Geodetic Vertical Datum of 1929 (commonly referred to as USGS Datum).

(e) **FINAL GRADING:** The vertical location of the pavement or landscaped material surfaces after all grading work is completed in accordance with the grading plans. “Final grading” will be defined as the process of grading a parcel to the finished grades proposed on the grading plan. Final seeding and sodding shall not change approved grading by more than two inches. Grades and mulch around trees may be mounded above the two-inch limit, provided that the mounding does not alter drainage to adjacent properties.

(f) **FLOODING:** A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation of runoff from surface waters from any source.

(g) **FOUNDATION OPENING ELEVATION:** The lowest unprotected opening in a structure.

(h) **GRADING:** The excavation, filling, storing of any materials, or any combination thereof on any parcel.

(i) **GRADING PLAN:** The depiction of existing site contours and topography and any man-made change to improved or unimproved real estate containing the items listed in Section 1466.04. It shall also be held to mean the depiction of any man-made change, including, but not limited to, the damming, obstructing, changing or altering of any natural drainage course or natural drainage way.

(j) **GROUND COVER:** Any man-made or natural landscaping material, functional or ornamental, including, but not limited to, such material as stone, grass or shrubbery used to protect topsoil or soil from eroding.

(k) **PARCEL:** A lot, a portion of a lot, land site, or any portion of real estate.

(l) **PERMITTEE:** Any person or private enterprise to whom or to which a grading permit is issued.

(m) **ROUGH GRADING:** The excavation on, the filling of, or any combination thereof, with respect to a parcel to a two inch plus or minus (2"+/-) variance from the final grading requirement less an appropriate allowance for topsoil as specified in the approved plans and specifications.

(n) **STANDARD PARCELS:** Parcels of land on which the drainage runoff from the front yards will drain to the street and the drainage runoff from the rear yards to a storm water facility. For newly improved parcels, drainage from the side yards shall drain from the property in question to the front yard or to the rear yard without draining onto adjacent property. Any currently occupied lots or parcels shall be planned to minimize routing of storm water to adjoining side yards in the vicinity of existing foundations.

(o) **STORM WATER FACILITIES:** Includes, but is not limited to, such items as paved gutters, surface inlets to subsurface storm drains, formed drainage swales, rip-rap lined channels, catch basins or manholes that connect into a subsurface drainage system, storm sewer and storm water detention or retention facilities with all to be located within a dedicated easement for storm water drainage or within publicly owned property.

(p) **STRUCTURE:** A combination of materials used to form a construction that is safe and stable, including, but not limited to, buildings, stadiums, reviewing stands, platforms, stages, radio towers, bridges, trestles, sheds, shelters, fences, and display signs; the word "structure" shall be construed as if followed by the words "or part thereof".

(q) **WATERCOURSE or WATERWAYS:** A natural path in a lower area of the land that carries natural storm water runoff from areas of higher elevation.

(Ord. 99-17. Passed 8-16-99.)

1466.04 CONTENTS OF GRADING PLAN.

Any grading plan submitted pursuant to the requirements of this chapter shall contain the following:

(a) Benchmark locations and other control elevations based on National Geodetic Vertical Datum of 1929 (commonly referred to as USGS Datum).

(b) Site drainage and grading showing the existing and proposed grades for the parcel and for adjoining affected parcels with a minimum of one foot contour intervals in sufficient detail to clearly indicate drainage flows.

(c) Site drainage showing existing and proposed channels, swales, lakes, ponds, and structures with control elevations, slopes and cross-sections on the site as well as on any affected adjoining parcels.

(d) Top of foundation elevations and any opening elevations below the top of the foundation for any existing or proposed buildings.

(e) Finished ground surface elevations at foundation corners, lot corners, top of curbs at property lines extended, drainage inlet structures, and at other ground control points.

(f) The parcel drainage shall be designed to flow away from the top of the foundations. Storm water being directed to the side yard of the parcel shall be directed into a formed drainage swale, having a minimum slope of one percent and a maximum slope of seven percent . In the event that conditions dictate that some parts of the lot be higher than the structure foundation, the grading plan must show specific drainage configurations for the parcel specifying that all drainage is to be directed to flow away from the foundation in an acceptable manner.

(g) Back lot line swales shall be graded to a positive outlet or inlet structure at a minimum flowline slope of one percent and shall have side slopes of 4:1 or less.

(h) Construction and work such as walkways, driveways, landscaping or any structure shall be installed so that the construction of same will not interfere with drainage. All sidewalks, driveways, patios and other flat work shall be at an elevation relative to the foundation wall so that water will drain away from the structure on all sides and off the lot in a manner which will provide reasonable freedom from erosion and permanently pocketed surface water.

(i) The flow from off-site tributary areas that are tributary to an intermittent stream or overflow route that must pass through the parcel must be identified on the grading plan and must be designed in such a way to adequately convey the flow of all surface water for a 100-year storm frequency without damage to adjoining structures.

(j) All overflow routes for the 100-year storm and for accumulated storm water runoff from several lots or from off-site catchment areas must be clearly designated on the grading plan with the total width of the flow route contained within an easement for drainage purposes.

(Ord. 99-17. Passed 8-16-99.)

1466.05 PROCEDURES.

(a) All grading plans shall be submitted at a minimum scale of one inch equals thirty feet (1"=30') and drawn on no greater media size than twenty-four by thirty-six inch (24" by 36") sheets.

(b) For all subdivisions and planned unit developments, the overall grading plans shall be prepared, sealed, and signed by a registered professional engineer.

(c) For individual lots or parcels that are located in a subdivision and planned unit development that has an approved overall grading plan, the grading plan for the individual lot or parcel shall be prepared, sealed and signed by a State of Illinois licensed architect, professional engineer, or land surveyor to conform to the overall grading plan of the subdivision or planned unit development.

(d) For individual lots or parcels within subdivisions and planned unit developments that do not have an approved overall grading plan or for individual lots or parcels not within subdivisions and planned unit developments, the grading plan shall be prepared, sealed and signed by a State of Illinois licensed architect or professional engineer.

(e) During the review process by the Village, the Village Code Enforcement Officer, or the Building Enforcement Officer, in consultation with the Village Engineer, shall recommend approval or non-approval of the grading plan. During the review, the Village Engineer will designate each lot or parcel as a critical parcel or a standard parcel. (Ord. 99-17. Passed 8-16-99.)

1466.06 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS HAVING AN APPROVED OVERALL GRADING PLAN.

(a) Rough Grading. In a subdivision or a planned unit development that has a grading plan approved by the Village, all rough grading within a given block (or area) must be completed prior to the issuance of any building permits. The developer shall certify in writing that all rough grading is complete within a given block, watershed or other area in strict conformity with the grading plan as approved by the Village. The Code Enforcement Officer, or the Building Enforcement Officer, in consultation with the Village Engineer, shall verify that grading is complete as required and the Engineer shall so notify the Village before building can proceed. All proposed drainage ways, swales, detention facilities, lot and block grading shall be complete to insure minimum effect and disturbance upon properties adjoining said development or other portions within the development.

(b) Critical Parcels. Those parcels designated as “critical” by the Village Engineer within the subdivision or development shall have a “building spot survey” performed immediately after the foundation has been poured and backfilled to insure compliance with the building setback requirements and to insure that elevations of any openings in the foundation are in conformance with the approved grading plan requirements or high water restrictions as they relate to the grading plan or storm water management plan. At the same time, the developer shall insure that the drainage pattern on a particular parcel has not been altered during the course of the foundation construction and backfilling that would adversely affect the overall drainage plan. Any improper grading deemed by the Code Enforcement Officer, or the Building Enforcement Officer, in consultation with the Village Engineer, to be a

potential hazard to any property, shall be corrected immediately upon direction by the Village. Failure to immediately correct any such defect shall be cause for suspension of work on the parcel.

After the structure on a parcel is substantially completed and final grading is completed, the developer shall furnish an As-Constructed Survey of Final Grading to certify that the final ground elevations are in strict compliance with the elevations indicated on the approved grading plan.

The developer shall be responsible for the grading of each lot or parcel through all stages of construction to insure that drainage from tributary areas is not blocked or hindered, that servient property is protected from damage, and that proper grading to storm drainage facilities is provided in accordance with the approved grading plan.

(c) Standard Parcels. Those parcels designated as “standard parcels” within said development shall have a “building spot survey” performed immediately after the foundation has been poured and backfilled to insure compliance with building setback requirements and to insure that rough grading has been substantially completed, so that all drainage flows away from the building to side yards, front yards or rear yards in conformity with the approved grading plan. The Code Enforcement Officer, or the Building Enforcement Officer, in consultation with the Village Engineer, shall visually inspect all standard parcels at the time rough grading is substantially complete to insure that yard areas have been properly rough graded before work is allowed to continue beyond the foundation point.

After the structure on a parcel is substantially completed and final grading is complete, the developer shall furnish an As-Constructed Survey of Final Grading to certify that the final ground elevations are in strict compliance with the elevations indicated on the approved grading plan.

(d) Exceptions. If, in the opinion of the Village Engineer, conditions do not permit compliance with the approved grading plan or additional detail is needed, a revised grading plan must be submitted to the Village in the same detail as the original submission requires. (Ord. 99-17. Passed 8-16-99.)

1466.07 LOTS OR PARCELS IN SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS WITHOUT AN APPROVED OVERALL GRADING PLAN OR LOTS OR PARCELS NOT IN A SUBDIVISION OR PLANNED UNIT DEVELOPMENT.

(a) Classification of Parcels. Whenever an improvement described in Section 1466.02 is proposed on individual lots or parcels within subdivisions and planned unit developments that do not have an approved overall grading plan or for individual lots or parcels not within subdivisions and planned unit developments, the Village Engineer shall render an opinion to classify the subject lot or parcel as a “critical” or “standard” parcel.

(b) Critical Parcels. If a lot is designated as a “critical” parcel by the Village Engineer, a grading plan will be required complying with Section 1466.04. After the foundation has been poured, a building spot survey shall be performed, indicating the location of the building with respect to setback requirements, and showing that elevations of any openings in the foundation are in conformance with the requirements of high water restrictions recommended on the grading plan or storm water management plan. Upon receipt of the drawing depicting the building spot survey, the Code Enforcement Officer, or the Building Enforcement Officer, in consultation with the Village Engineer, shall inspect the site to insure that natural overland flow has not been obstructed in any way that may adversely affect the subject parcel, adjoining or adjacent parcels or upstream parcels. If none of the foregoing conditions is observed by the Code Enforcement Officer or the Building Enforcement Officer during his or her inspection, completion of the structure may proceed.

Upon substantial completion of the structure and final grading of the parcel, the owner or builder shall furnish an As-Constructed Survey of Final Grading to certify that the final ground elevations and drainage contours are in strict compliance with the elevations indicated on the approved grading plan.

(c) Standard Parcels. Those lots or parcels designated as “standard parcels” shall require a grading plan complying with Section 1466.04.

After the foundation has been completed, a building spot survey shall be prepared to insure compliance with building setback requirements and the approved grading plan. Also, the Village Code Enforcement Officer or the Building Enforcement Officer, in consultation with the Village Engineer, shall visually inspect the site to insure that the yard areas have been graded, smoothed, and sloped to facilitate drainage away from the building and to front, rear, or side yards.

After the structure on the parcel has been substantially completed, the Village Code Enforcement Officer, or the Building Enforcement Officer, in consultation with the Village Engineer, shall re-inspect the site to determine if the final grading has been provided in substantial conformance with the approved grading plan. No occupancy permit will be issued unless and until fine grading has been provided in compliance with the approved grading plan. If the Village Code Enforcement Officer or the Building Enforcement Officer, in consultation with the Village Engineer, believes the final grading to be in non-conformance with the grading plan, the Village Code Enforcement Officer may require the submittal of an As-Constructed Survey of Final Grading certifying compliance with the approved grading plan.
(Ord. 99-17. Passed 8-16-99.)

1466.08 ISSUANCE OF BUILDING PERMITS.

No building permit shall be issued without a concurrent application for the issuance of a grading permit. In the case of an internal building change, that is a change occurring completely within a building, a grading permit will not be required. The issuance of a building permit and the grading permit shall be concurrent, unless specifically authorized by the Village Code Enforcement Officer. (Ord. 99-17. Passed 8-16-99.)

1466.09 GRADING PERMITS.

(a) Issuance. The Village Building Enforcement Officer will be responsible for issuance of all grading permits, and shall be responsible for the administration of this chapter. Every grading permit shall expire by limitation and shall become null and void if the work authorized by such permit has not begun within ninety days from the date of issuance therefor. In the case of such expiration and cancellation, the Village Code Enforcement Officer, or the Building Enforcement Officer shall provide written notice thereof to the permittee.

(b) Expiration. If the work described in the grading permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire. The Village Code Enforcement Officer, or the Building Enforcement Officer, shall send written notice thereof to the permittee together with a notice that further work is prohibited. No work shall proceed on the canceled permit until the Village has issued a Special Grading Permit.

(c) Special Grading Permits. The Village Code Enforcement Officer may issue a Special Grading Permit based on the original application and permit, or the Village Code Enforcement Officer may require submission of a new application. The Special Grading Permit may include limitations on time allowed for substantial completion of the work. All Special Grading Permits shall be accompanied by security in an amount and form satisfactory to the Village. Said security shall provide surety for the completion of the improvements covered by the permit within the time limit set by the Village Code Enforcement Officer. (Ord. 99-17. Passed 8-16-99.)

1466.10 PROTECTIVE GROUND COVER.

(a) This section shall apply to those lots or parcels that are exempted from obtaining a Site Development Permit under Chapter 1477. For those lots or parcels required to obtain a Site Development Permit, the procedures, standards, and requirements set forth in Chapter 1477 shall apply.

(b) Immediately after final grading has been completed and approved by the Village on all parcels, protective ground cover shall be installed on the parcel including the parkway for which the permit was issued. All permittees shall be required to install protective ground cover on all parcels for which a grading permit has been issued. The protective ground cover shall be installed within the growing season in which the occupancy permit is to be issued. If weather does not permit the installation of protective ground cover, security in an amount sufficient to guarantee the completion of the installation of the protective ground cover shall be furnished to the Village. However, in no case shall the completion of the installation of the protective ground cover extend beyond the current season, or June 15 of the next growing season, at the discretion of the Village Code Enforcement Officer or the Building Enforcement Officer. Alternative protective ground cover other than grass or sod must be approved in advance by the Village Code Enforcement Officer or the Building Enforcement Officer at the time the grading plan is reviewed or prior to the time an occupancy permit is requested if the permittee desires to change the ground cover. If fertilizer is used, the suggested fertilizer is a standard commercial 10-8-6 grade, uniform in composition, free flowing and applied at the rate of 400 pounds per acre. Fertilizer is recommended to be incorporated into the soil to a depth of three inches by discing or harrowing. Suggested seeding mixtures, application rates, seeding periods and areas of application for establishing permanent protective ground cover are set forth in Table 1.

TABLE 1 - SEEDING MIXTURES

Class-Type

1-Lawn Mixture

1A-Salt Tolerant
Lawn Mixture

Seeds

Ky. Bluegrass

Perennial

Ryegrass

Creeping Red

Fescue

Bluegrass

Perennial

Ryegrass

Dawsons Red

Fescue

Scaldis Hard

Fescue

Fults Salt Grass

Rate LBS/Acre

50

30

20

30

10

10

10

30

Seeding Dates

May 15 - June 30

and

Oct 15 - Dec 1

(c) Seeded Areas. All portions of the parcel not having pavement, sidewalks or other similar type materials placed thereon are to be provided with protective ground cover. If the protective ground cover is seed, the following suggestions are made in preparing the area for seed:

- (1) Place topsoil on area to be graded an average depth of four inches and grade as required to finished grades established on the grading plan.
- (2) Prepare a firm seed bed free of clods or stones.
- (3) Apply fertilizer in sufficient rates of application to establish satisfactory growth in the seeded area.
- (4) Select a suitable seeding mixture that will produce a permanent ground cover within a reasonable time.
- (5) Broadcast the seed uniformly over the parcel.
- (6) Apply a mulch on all sites where slopes exceed ten feet in length and where slopes are steeper than four feet horizontal to one foot vertical.
- (7) On grassed waterways, ditches, or steep slopes where sod is not used, a fibrous or synthetic erosion control netting shall be applied. The fibrous or synthetic erosion control netting shall be secured with six inch long metal staples or No. 8 wire along all edges at twelve inches on center. All joints are to overlap in the netting a minimum of four inches and be secured with staples a minimum of four inches apart.

(d) Sodded Areas. Where protective ground cover is to consist of sod, it is suggested the permanent lawn areas to be sodded be prepared in the following manner:

- (1) All areas shall be provided with adequate topsoil having an average thickness of four inches and graded as required to finished grades established on the grading plan. Topsoil shall be scarified as required.
- (2) A dense cultivated sod of bluegrass or fescue shall be used. Only moist, fresh sod shall be used.
- (3) Sod should be installed in spring or fall or as moisture requirements are met and when the ground is not frozen. Any seasonal restrictions of the Village relative to laying of sod shall be adhered to.
- (4) Sufficient irrigation shall be provided to insure the growth for the newly installed sod. The obligation to furnish irrigation or replacement of sod when sprinkling restrictions are in effect remains the responsibility of the permittee.

(e) Alternative Ground Cover. The Village Code Enforcement Officer or the Building Enforcement Officer, at his or her sole discretion, may approve a ground cover of a substance other than grass, so long as: 1) the storm water runoff capabilities of the alternative ground cover are, in his or her opinion, comparable to the benefits gained if the ground cover was grass; 2) the amount of ground cover is consistent with the amount of ground cover that would be accomplished if grass were installed; and 3) the alternative ground cover is not injurious to the health, safety, and welfare of the surrounding residents. (Ord. 99-17. Passed 8-16-99.)

1466.11 CONDITIONAL OCCUPANCY PERMITS.

(a) If a parcel cannot be final graded because of adverse weather conditions or other conditions beyond the control of the permittee, the Village Code Enforcement Officer may issue a conditional occupancy permit. The conditional occupancy permit shall be effective for only a reasonable number of days to be determined by the Code Enforcement Officer. In those instances where a conditional occupancy is to be issued, the permittee shall furnish security in an amount of 125 percent of the estimated cost to complete the construction of final grades and install and successfully grow the protective ground cover.

(b) At the time of the issuance of the conditional occupancy permit, the permittee, builder, or owner shall sign a document acknowledging the conditions necessary to obtain a final occupancy permit. The document referred to herein shall be signed by the permittee, builder, and owner prior to the time the conditional occupancy permit is issued. At the time of application for a conditional occupancy permit, the Village Code Enforcement Officer shall determine the reasonable number of days for permittee's compliance with the requirements of a final occupancy permit based upon the weather conditions or other conditions that made the issuance of a final occupancy unreasonable because of said conditions.

(Ord. 99-17. Passed 8-16-99.)

1466.12 NONCOMPLIANCE WITH APPROVED GRADING PLANS.

Any deviation from the approved grading plans as attached to the grading permit shall require the resubmission of a grading plan indicating what changes are necessary. The revised grading plan application shall include the same information as required in the case of application for the original grading permit. All work on the parcel shall terminate until such time as new grading plans are submitted by the permittees and approved by the Village.

(Ord. 99-17. Passed 8-16-99.)

1466.13 APPEALS.

All persons aggrieved by a decision or decisions of the Village Code Enforcement Officer or Building Enforcement Officer shall have the right of appeal to the Public Works Committee of the Board of Trustees by serving seven days written notice on the Village prior to the next regularly scheduled meeting of the Public Works Committee. All persons aggrieved by a decision or decisions of the Public Works Committee of the Board of Trustees shall have the right of appeal to the Board of Trustees by serving twenty-one days written notice on the Village Board. A public hearing on the appeal shall be conducted with notice given to adjoining property owners in all cases involving appeals that may have a substantial adverse affect on adjoining property.

(Ord. 99-17. Passed 8-16-99.)

1466.14 FINAL OCCUPANCY PERMITS.

Upon completion of final grading and the installation of protective ground cover in substantial conformity with the approved plans, a final occupancy permit shall be issued to the holder of the grading permit. The Village Code Enforcement Officer or the Building Enforcement Officer shall make determination of conformity with the approved grading plans. (Ord. 99-17. Passed 8-16-99.)

1466.15 VILLAGE COSTS AND GRADING PERMIT FEES.

Fees and costs shall be as set forth herein:

(a) Subdivisions and Planned Unit Developments: The owner or developer shall reimburse the Village for all review costs incurred by Village consultants.

(b) Single-Family Residential Lots or Residential Parcels Located in Subdivisions or Planned Unit Developments With an Approved Overall Grading Plan:

(1) Standard parcels. The permit fee for a grading permit for “standard parcels” shall be two hundred fifty dollars (\$250.00) per lot. All expense for providing grading plans, grading surveys or any other material required to be furnished by this chapter shall be paid by the permittee at permittee's expense.

(2) Critical parcels. The permit fee for a grading permit for “critical parcels” shall be five hundred dollars (\$500.00) per lot. All expense for providing grading plans, grading surveys or any other material required to be furnished by this chapter shall be paid by the permittee at the permittee's expense.

(c) Single-Family Residential Lots or Residential Parcels Located Within Subdivisions or Planned Unit Developments That do not Have an Approved Overall Grading Plan or That are Located in Other Than a Subdivision or Planned Unit Development.

(1) Standard parcels. The permit fee for a grading permit for “standard parcels” shall be four hundred dollars (\$400.00) per lot. All expense for providing grading plans, grading surveys or any other material required to be furnished by this chapter shall be paid by the permittee at the permittee's expense.

(2) Critical parcels. The permit fee for a grading permit for “critical parcels” shall be seven hundred dollars (\$700.00) per lot. All expense for providing grading plans, grading surveys or any other material required to be furnished by this chapter shall be paid by the permittee at the permittee's expense.

(d) Other Than Single Family Residential Lots and Residential Parcels. For all parcels other than single-family residential lots and residential parcels, the permit fee for a grading permit shall be one hundred dollars (\$100.00) plus any fee and escrow amounts required by the Village of Elburn.

(Ord. 99-17. Passed 8-16-99.)

1466.99 BUILDING AND HOUSING CODE 76N

1466.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1468
Lowland Conservancy Overlay District

- 1468.01 Authority to adopt.
- 1468.02 Short title.
- 1468.03 Purpose; intent.
- 1468.04 Definitions.
- 1468.05 Special use permits.
- 1468.06 Permit application.
- 1468.07 Pre-application meeting; waivers.
- 1468.08 Filing of financial security.
- 1468.09 Review and approval.
- 1468.10 Permit exceptions.
- 1468.11 Other approvals required.
- 1468.12 Developments subject to chapter.
- 1468.13 General provisions.
- 1468.14 Relocation and minor modification of watercourses.
- 1468.15 Impact assessments.
- 1468.16 Stream maintenance easements.
- 1468.17 Nonconforming uses.
- 1468.18 Authority of Public Works Superintendent; appeals.
- 1468.19 Variances and exceptions.
- 1468.20 Indemnification of Village.
- 1468.21 Application of chapter.
- 1468.22 Suspension or revocation of special use permit; stop-work orders.
- 1468.99 Violations; penalty.
- Exhibit 1 Lowland Conservancy District Diagram.

CROSS REFERENCES

- Flood damage prevention - see B. & H. Ch. 1464
- Soil erosion and sedimentation control - see B. & H. Ch. 1477
- Stormwater drainage and detention - see B. & H. Ch. 1478

1468.01 AUTHORITY TO ADOPT.

The Lowland Conservancy Overlay District is hereby adopted by the Village of Elburn, Illinois, under the authority of 65 ILCS 5/11-13-1. (Ord. 98-30. Passed 12-21-98.)

1468.02 SHORT TITLE.

This chapter shall be known and may be cited as the "Village of Elburn Lowland

Conservancy Overlay District Ordinance.”
(Ord. 98-30. Passed 12-21-98.)

1468.03 PURPOSE; INTENT.

(a) It is the purpose and intent of this chapter to promote the health, safety and general welfare of the present and future residents of the Village of Elburn and downstream drainage areas by providing for the protection, preservation, proper maintenance, and use of the Village of Elburn watercourses, lakes, ponds, floodplain and wetland areas. This chapter is more specifically adopted to:

(1) Prevent flood damage by preserving storm and flood water storage capacity;

(2) Maintain the normal hydrologic balance of streams, floodplains, ponds, lakes, wetlands, and groundwater by storing and providing for infiltration of wet-period runoff in floodplains and wetlands, and releasing it slowly to the stream to maintain in-stream flow;

(3) Manage storm water runoff and maintain natural runoff conveyance systems, and minimize the need for major storm sewer construction and drainageway modification;

(4) Improve water quality, both by filtering and storing sediments and attached pollutants, nutrients, and organic compounds before they drain into streams or wetlands, and by maintaining the natural pollutant-assimilating capabilities of streams, flood plains and wetlands;

(5) Protect shorelines and stream banks from soil erosion, using natural means and materials wherever possible;

(6) Protect fish spawning, breeding, nursery and feeding grounds;

(7) Protect wildlife habitat;

(8) Preserve areas of special recreational, scenic, or scientific interest, including natural areas and habitats of endangered species;

(9) Maintain and enhance the aesthetic qualities of developing areas; and

(10) Encourage the continued economic growth and high quality of life of the Village of Elburn which depends in part on an adequate quality of water, a pleasing natural environment, and recreational opportunities in proximity to the Village of Elburn.

(b) In order to achieve the purpose and intent of this chapter, the Village of Elburn hereby designates the Lowland Conservancy Overlay District, which shall be considered as an overlay to the zoning ordinances as amended. (See Section 1468.01.) Any proposed development activity within the District must obtain a special use permit as approved by the governing body of the Village of Elburn. (See Section 1468.05.) (Ord. 98-30. Passed 12-21-98.)

1468.04 DEFINITIONS.

As used in this chapter:

(1) "Armoring" is a form of channel modification which involves the placement of materials (concrete, riprap, bulkheads, etc.) within a stream channel or along a shoreline to protect property above streams, lakes and ponds from erosion and wave damage caused by wave action and stream flow.

(2) "Bulkhead" means a retaining wall that protects property along water.

(3) "Channel" means a natural or artificial watercourse or perceptible extent that periodically or continuously contains moving water or which forms a connecting link between two bodies of water. It has a definite bed and banks that serve to contain the water.

(4) "Channel modification" or "channelization" means to alter a watercourse by changing the physical dimension or materials of the channel. 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 watercourse. 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).

(5) "Control structure" means a structure designed to control the rate of storm water runoff that passes through the structure, given a specific upstream and downstream water surface elevation.

(6) "Culvert" means a structure designed to carry drainage water or small streams below barriers such as roads, driveways, or railway embankments.

(7) "Depressional area" means any area which is lower in elevation on all sides than surrounding properties (i.e. does not drain freely) or whose drainage is severely limited such as by a restrictive culvert. A depressional area will fill with water on occasion when runoff into it exceeds the rate of infiltration into underlying soil or exceeds the discharge through its controlled outlet. Large depressional areas may provide significant storm water or floodplain storage.

(8) "Development" means the carrying out of any building, or mining operation, or the making of any change in the use or appearance of land, and the dividing of land into two or more parcels. The following activities or uses shall be taken, for the purposes of this chapter, to involve development as defined herein:

A. Any construction, reconstruction, or alteration of a structure to occupy more or less ground area, or the on-site preparation for same;

B. Any change in the intensity of use of land such as an increase in the number of dwelling units on land, or a material increase in the site coverage of businesses, manufacturing establishments, offices, and dwelling units, including mobile homes, campers, and recreational vehicles, on land;

- C. The commencement of drilling, except to obtain soil samples, or the commencement of mining, filling, excavation, dredging, grading and other alterations of the topography;
- D. Demolition of a structure or redevelopment of a site;
- E. Clearing of land as an adjunct of construction for agricultural, private residential, commercial or industrial use;
- F. Deposit of refuse, solid or liquid waste, or fill on a parcel of land, or the storage of materials;
- G. Construction, excavation, or fill operations relating to the creation or modification of any road, street, parking facility or any drainage canal, or to the installation of utilities or any other grading activity that alters the existing topography;
- H. Construction or erection of dams, levees, walls, fences, bridges, or culverts; and
- I. Any other activity that might change the direction, height, or velocity of flood or surface waters.

(9) "District" means the Lowland Conservancy Overlay District as defined in Section 1468.13(a).

(10) "Erosion" means the general process whereby soils are moved by flowing water or wave action.

(11) "Filtered view" means the maintenance or establishment of woody vegetation of sufficient density to screen developments from a stream or wetland, to provide for streambank stabilization and erosion control, to serve as an aid to infiltration of surface runoff, and to provide cover to shade the water. The vegetation need not be so dense as to completely block the view. Filtered view means no clear cutting.

(12) "Floodplain" means that land adjacent to a body of water with ground surface elevations at or below the 100-year frequency flood elevation.

(13) "Floodway" means that portion of the floodplain (sometimes referred to as the base floodplain or Special Flood Hazard Area) required to store and convey the base flood. The floodway is the 100-year floodway as designated and regulated by the Illinois Department of Transportation/Division of Water Resources. The remainder of the floodplain which is outside the regulatory floodway is referred to as the flood fringe or floodway fringe.

(14) "Hydraulic characteristics" means the features of a watercourse which determine its water conveyance capacity. These features include, but are not limited to: size and configuration of the cross-section of the watercourse and floodway; texture and roughness of materials along the watercourse; alignment of watercourse; gradient of the watercourse; amount and type of vegetation within the watercourse; and size, configuration, and other characteristics of structures within the watercourse. In low-lying areas the characteristics of the overbank area also determine the water conveyance capacity.

(15) “Lake or pond” means any inland water body, fed by spring or surface water flow.

(16) “Lot” means an area of land, with defined boundaries, that is designated in official assessor's records as being one parcel.

(17) “Native vegetation” means those species that were part of the pre-settlement landscape of Kane County, as opposed to other species that, though naturalized here and part of the extant flora, are adventive from the other regions of the continent, and/or the globe. To identify those plants native to Kane County, refer to Plants of the Chicago Region (Swink & Wilhelm, 1996).

(18) “Natural”, in reference to watercourses, means those stream channels, grassed waterways and swales formed by the existing surface topography of the earth prior to changes made by unnatural causes. 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 alteration of the course or cross-section of the stream caused by filling or excavating.

(19) “Ordinary High Water Mark (OHWM)” means the point on the bank or shore up to which the presence and action of the surface water is so 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.

(20) “Qualified professional” means a person trained in one or more of the disciplines of biology, geology, soil science, engineering or hydrology whose training and experience ensure a competent analysis and assessment of stream, lake, pond and wetland conditions and impacts.

(21) “Registered professional engineer” means a professional engineer registered under the provisions of “The Illinois Professional Engineering Act” and any act amendatory thereof.

(22) “Remnant landscape” means any landscape in which the native FQI, as explained in Plants of the Chicago Region (Swink & Wilhelm, 1996), is greater than thirty or the native mean C value is greater than 3.2.

(23) “Retention/detention facility” means a facility that provides for the storage of storm water runoff and controlled release of this runoff during and after a flood or storm.

(24) “Runoff” means the portion of precipitation on the land that is not absorbed by the soil or plant material and which runs off the land.

(25) “Sedimentation” means the processes that deposit soils, debris, and other materials either on other ground surfaces or in water bodies or watercourses.

(26) “Setback” means the horizontal distance between any portion of a structure or any development activity and the ordinary high water mark of a perennial or intermittent stream, the ordinary high water mark of a lake or pond, or the edge of a wetland, measured from the structure's or development's closest point to the ordinary high water mark, or edge.

(27) “Stream” means a body of running water flowing continuously or intermittently in a channel on or below the surface of the ground. Seven and one-half minute topographic maps of the U.S. Geological Survey are on reference for identifying perennial and intermittent streams. For purposes of this chapter , the term “stream” does not include storm sewers.

(28) “Structure” means anything that is constructed, erected or moved to or from any premises which is located above or below the ground, including, but not limited to, roads, signs, billboards, and mobile homes. Temporary recreational facilities, including, but not limited to, tents, camper trailers, and recreational vehicles are not considered structures when used less than 180 days per year and located landward of the minimum setback as provided as a natural vegetation strip.

(29) “Vegetation” means all plant growth, especially, trees, shrubs, mosses, and grasses.

(30) “Watercourse” means any river, stream, creek, brook, branch, natural or artificial depression, ponded area, slough, gulch, draw, ditch, channel, conduit, culvert, swale, grass waterway, gully, ravine, wash or natural or man-made drainageway, which has a definite channel bed and banks, in or into which storm water runoff and floodwater flow either regularly or intermittently.

(31) “Wetland” means those areas as defined by the Corps of Engineers Wetland Delineation Manual (Environmental Laboratory 1987) or delineated as such by the Natural Resource Conservation Service. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (Ord. 98-30. Passed 12-21-98.)

1468.05 SPECIAL USE PERMITS.

(a) To ensure that proposed development activity can be carried out in a manner that is compatible and harmonious with the natural amenities of the Lowland Conservancy Overlay District and with the surrounding land uses, a request for a special use permit for such development activity must be submitted for approval by the governing body of the Village of Elburn.

(b) The Planning Commission shall not recommend, nor the Village Board approve, a special use permit as described in this chapter, unless it shall find, based on the evidence presented to the Planning Commission in each specific case, that:

(1) The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands and forested areas, or any remnant landscape, nor impair their natural functions, but will preserve and incorporate such features in the development's site;

(2) The location of on-site and adjacent off-site natural features that could be directly or indirectly adversely affected, and the site's topography, have been identified and integrated into the design and siting of all physical improvements;

(3) Adequate assurances have been received that the clearing of the site of the topsoil, trees, and other natural features will not occur before the commencement of building operations; only those areas approved for the placement of physical improvements may be cleared;

(4) The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and that in addition, the development will not increase stream velocities; and

(5) The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff.

(c) There shall be no development, including the immediate or future clearing or removal of natural groundcover and/or trees, within the Lowland Conservancy Overlay District, for any purpose unless a special use permit is granted subject to the provisions of this chapter or the provisions of the Village of Elburn Zoning Ordinance. Proposed removal or selective clearing of exotic or weedy species shall be permitted provided that a Landscape/Restoration and Management Plan clearly states the goals and objectives of the restoration as well as the maintenance and management of the area (see Section 1468.13(g)).

(d) Dumping, filling, mining, excavating, dredging or transferring any such earth material within the district is prohibited unless a special use permit is granted.

(e) No ponds or impoundments shall be created nor other alterations or improvements shall be allowed in the Lowland Conservancy Overlay District for recreational uses, storm water management, flood control, agricultural uses or as scenic features unless a special use permit is granted therefor.

(Ord. 98-30. Passed 12-21-98.)

1468.06 PERMIT APPLICATION.

Application for a special use permit shall be made by the owner of the property, or his or her authorized agent, to the Village of Elburn. Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's

principal contact at such firm, and shall be accompanied by a filing fee of five hundred dollars (\$500.00). The Village of Elburn shall charge to the applicant all fees associated with review and processing of a special use permit, including the Village's administrative costs, and environmental, engineering and planning consultant fees. Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the special use permit. (Ord. 98-30. Passed 12-21-98.)

1468.07 PRE-APPLICATION MEETING; WAIVERS.

(a) Prior to the submission of a permit application, a pre-application meeting with Village staff is recommended to informally review submission items prior to the formal application process. Each application for a special use permit shall be accompanied by the following information, as specified in the following sections of this chapter:

- (1) General Provisions:
 - A. Site Development Plan 1468.13(c)
 - B. Geologic and Soil Report 1468.13(d)
 - C. Drainage Control Plan 1468.13(e)
 - D. Site Grading and Excavation Plan 1468.13(f)
 - E. Landscape Plan 1468.13(g)
- (2) Justification for Watercourse Relocation and Minor

Modifications:

- A. Stream Modification/Relocation Plan 1468.14(c)
 - B. Channel and Bank Armoring 1468.14(d)
 - C. Culverts 1468.14(e)
 - D. On-Stream Impoundments 1468.14(f)
 - E. Impact Assessment 1468.15
- (at option of the Village of Elburn)

(b) When a proposed development activity is less than two and one-half acres in area, the Village of Elburn, upon approval of the Village Engineer, may waive or simplify any or all of the submission requirements (Section 1468.13(c) and (g)), provided that the person responsible for any such development shall implement necessary protection measures to satisfy the purpose and intent set forth in Section 1468.03. (See Section 1468.19, Variances.) However, this does not preclude the compliance with all applicable Federal, State and County statutes, ordinances or regulations. (Ord. 98-30. Passed 12-21-98.)

1468.08 FILING OF FINANCIAL SECURITY.

The applicant may be required to file with the Village of Elburn a letter of credit or other security satisfactory to the Village Attorney, in an amount deemed sufficient by the Village of Elburn to cover all costs of improvements, landscaping, and maintenance of improvements and landscaping for such a period as specified by the Village of Elburn, and engineering and inspection costs to cover the cost of failure or

repair of improvements installed on the site. Said security may also be required to ensure compliance with any aspect of this chapter, including the five-year maintenance of native vegetation described in Section 1468.13(g)(3) and (4). (Ord. 98-30. Passed 12-21-98.)

1468.09 REVIEW AND APPROVAL.

Each application for a special use permit shall be reviewed and acted upon according to the following procedures:

(a) The Village of Elburn will review each application for a special use permit to determine its conformance with the provisions of this chapter. The Village of Elburn may also refer any application to the Kane-DuPage Soil and Water Conservation District for review and comments, and/or to any other local government or public agency within whose jurisdiction the site is located. Within sixty days after a recommendation is issued by the Planning Commission to the Village Board, the Village of Elburn shall, in writing:

(1) Approve the permit application, if it is found to be in conformance with the provisions of this chapter, and issue the permit;

(2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this chapter, and issue the permit subject to these conditions; or

(3) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

(b) No special use permit shall be issued for an intended development unless:

(1) The development, including, but not limited to, subdivisions and planned developments, has been approved by the Village of Elburn where applicable;

(2) Such a permit is accompanied by or combined with a valid building permit issued by the Village of Elburn; or

(3) The proposed development is coordinated with any overall development program previously approved by the Village of Elburn for the area in which the site is situated.

(c) If the Village Board fails to act on an original or revised application within sixty days of receipt of a recommendation by the Planning Commission the applicant may proceed in accordance with the plans filed, unless such time is extended by agreement between the Village of Elburn and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with the conditions established by the Village of Elburn. (Ord. 98-30. Passed 12-21-98.)

1468.10 PERMIT EXCEPTIONS.

(a) The provisions of this chapter shall not apply to:

(1) Emergency work necessary to preserve life or property; when emergency work is performed under this section, the person performing it shall report the pertinent facts relating to the work to the Village of Elburn within three days after commencement of the work and shall thereafter obtain a special use permit and shall perform such work as may be determined by the Village to be reasonably necessary to correct any impairment to the watercourse, lake, pond, floodplain or wetland (in terms of the purposes of this chapter, Section 1468.03).

(2) Work consisting of the operation, repair, or maintenance of any lawful use of land existing on the date of the adoption of this chapter, except land use changes or upgrades to existing development, such as storm water facilities, may be subject to the provisions of this chapter based upon the discretion of the Village:

(3) Lands adjacent to farm ditches if:

A. Such lands are not adjacent to a natural river or stream;

or

B. Those parts of such drainage ditches adjacent to such lands were not streams before ditching; or

C. Such lands are maintained in agricultural uses without buildings and structures.

(b) Where farm ditches are found to contribute to adverse environmental impacts or hazards to persons or property, the Village of Elburn may include designated farm ditches in the Lowland Conservancy District. The Village of Elburn may also require that linings, bulkheads, dikes and culverts be removed to mitigate hazards, or that other mitigative measures be taken, such as the maintenance of a natural vegetative buffer strip. (Ord. 98-30. Passed 12-21-98.)

1468.11 OTHER APPROVALS REQUIRED.

The granting of a special use permit under the provisions of this chapter shall in no way affect the owner's responsibility to obtain approval required by any other statute, ordinance, or regulation of any State agency or subdivision thereof, or to meet other Village of Elburn ordinances and regulations. Where State and/or Federal permits are required, a special use permit will not be issued until they are obtained. (Ord. 98-30. Passed 12-21-98.)

1468.12 DEVELOPMENTS SUBJECT TO CHAPTER.

(a) This chapter shall apply to any development that would cause direct or indirect negative impacts in or near streams, lakes, ponds, and wetlands within the Village of Elburn. Streams, lakes and ponds (including intermittent streams) are those which are shown on the United States Department of the Interior Geological Survey (USGS) seven and one-half minute quadrangle maps and those additional streams,

lakes and ponds delineated on the Lowland Conservancy Overlay District maps adopted as part of this chapter. These maps generally delineate lakes, ponds, streams, and wetlands, but shall not be considered a definitive map of same. Developers, builders, etc., shall demonstrate, prior to approval of new development, whether any portion of their property meets the definition of a Lowland Conservancy Overlay District as defined in this chapter. Within the jurisdiction of the Village of Elburn, those water bodies and watercourses that are named and are subject to the provisions of this chapter include, but are not limited to, Blackberry Creek, Welch Creek and Virgil Ditch. Wetlands are those designated by the U.S. Fish and Wildlife Service/Illinois Department of Conservation wetland inventory and those additional wetlands delineated on maps adopted as part of this chapter.

(b) If new drainage courses, lakes, ponds or wetlands are created as part of a development, the requirements for setbacks and uses within setbacks, and the criteria for watercourse relocation and minor modification shall apply. The Lowland Conservancy District shall be amended as appropriate to include these areas. (Ord. 98-30. Passed 12-21-98.)

1468.13 GENERAL PROVISIONS.

The Lowland Conservancy Overlay District shall be considered as an overlay to the zoning districts created by the Village of Elburn Zoning Ordinance, as amended. In addition to the requirements of this chapter, applications for a special use permit within the Lowland Conservancy Overlay District shall meet all requirements of the underlying zoning districts. In the event of a conflict between the overlay district requirements and the underlying zoning district requirements, the more restrictive requirements shall prevail.

(a) District Boundary.

(1) The procedures, standards and requirements contained in this chapter shall apply to all lots within wetlands and streams, and all lots lying wholly or in part:

A. Within the Special Flood Hazard Area (SFHA) designated by the Federal Emergency Management Agency (FEMA); or

B. Within 100 feet of the ordinary high-water mark (OHWM) of a perennial stream or intermittent stream, the ordinary high-water mark of a lake or pond, or the edge of a wetland; or

C. Within the depressional areas serving as a floodplain or storm water storage areas.

(2) The District is designated on a map labeled “Lowland Conservancy Overlay District Map”, which is made to be part of this chapter and which has the same force and effect as if all notations, references, and descriptions shown thereon were set forth as described herein. Additional areas will be approved from time to time and made exhibits thereto.

(b) Minimum Setback or Development Activity From Streams, Lakes, Ponds and Wetlands.

(1) Absolutely no development activity (except as provided below) may occur within the minimum setback which is defined as seventy-five feet from the ordinary high-water mark of streams, lakes, and ponds or seventy-five feet from the jurisdictional boundaries of wetlands, or within a designated depressional area. In no case shall the setback be less than the boundary of the 100-year floodway as defined by FEMA. These setback requirements do not apply to a stream in a culvert unless the stream is taken out of the culvert as part of the development activity. If the culvert functions as a low-flow culvert, where water is intended to periodically flow over it, the setback requirements apply.

The following development activities may be permitted, subject to the issuance of a special use permit, within the minimum setback areas only if, as a practical matter, they cannot be located outside of the setback area. Such development activities will only be approved based upon a report, prepared by a qualified professional, which demonstrates that they will not adversely affect water quality; destroy, damage or disrupt significant habitat area; adversely affect drainage and/or storm water retention capabilities; adversely affect flood conveyance and storage; lead to unstable earth conditions, create erosion hazards, or be materially detrimental to any other property in the area of the subject property or to the Village of Elburn as a whole, including the loss of open space or scenic vistas:

A. Minor improvements such as walkways, benches, comfort stations, informational displays, directional signs, foot bridges, observation decks, and docks;

B. The maintenance, repair, replacement, and reconstruction of existing highways and bridges, electrical transmission and telecommunication lines, poles, and towers;

C. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic natural and scientific areas, game refuges, fish and wildlife improvement projects, game bird and animal farms, wildlife preserves and public boat ramps.

(2) Review of the proposed development activity within the minimum setback area will consider the following:

A. Only limited filling and excavating necessary for the development of the public boat launching ramps, swimming beaches, or the development of park shelters and similar structures are allowed. The development and maintenance of roads, parking lots and other impervious surfaces necessary for permitted uses are allowed only on a very limited basis, and where no alternative location outside of the setback area is available.

B. Land surface modification within the minimum setback shall be permitted for the development of storm water drainage swales between the developed area of a site (including a storm water detention facility on the site) and a stream, lake or pond, or wetland. Detention basins within the setback are prohibited unless they can be integrated ecologically into the setback and resultant modifications will not impair water quality, habitat, or flood storage functions.

C. No filling or excavating within wetlands is permitted except to install piers for the limited development of walkways and observation decks as approved by the Army Corps of Engineers (COE), the County, and Village. Walkways and observation decks shall avoid high quality wetland areas, and shall not adversely affect natural areas designated in the Illinois Natural Areas Inventory or the habitat of rare or endangered species.

D. Wetland areas occupied by the development of decks and walkways must be mitigated at a minimum ratio of 1.5 to 1.0 of wetland habitat improvement or as required by the COE permitting procedures.

E. Modification of degraded wetlands for the purpose of storm water management is not recommended. Storm water reaching a degraded wetland shall have a combination of intermediary measures such as infiltration practices, vegetative swales and sediment basins that are designed to handle a two-year, twenty-four-hour storm. Also, usage of existing wetlands as a part of storm water management plans shall be done in accordance with Chapter 1478 of these Codified Ordinances and must demonstrate the improved quality of the wetland habitat via annual monitoring and reporting, for a period of no less than three years following completion of its development, and that total wetland acreage has been preserved. Where such modification is permitted, wetlands shall be protected from the effects of increased storm water runoff by measures such as detention or sedimentation basins, vegetated swales and buffer strips, and sediment and erosion control measures on adjacent developments. The direct entry of storm sewers into wetlands shall be avoided. Environmental impact analysis of wetland modification may be required in accordance with Section 1468.15.

(3) An applicant for a special use permit (see Section 1468.05) must stabilize areas left exposed after land surface modification with vegetation normally associated with that stream or wetland. The planting of native riparian vegetation is recommended as the preferred stabilization measure. Other techniques should be used only when and

where vegetation fails to control erosion. The preferred alternative is riprap, using natural rock materials where practicable, installed on eroding bank areas in a manner that provides interstitial space for vegetative growth and habitat for macroinvertebrates and other stream organisms. Lining of the stream channel bottom is not permitted.

(4) The applicant shall minimize access to the applicant's proposed development activity within all or part of the Lowland Conservancy Overlay District where such access could adversely affect the stream, lake, pond, wetland, or related environmentally sensitive areas.

(c) Site Development Plan.

(1) A site development plan must be prepared for any proposed development within, or partly within, the Lowland Conservancy Overlay District and must indicate:

A. Dimension and area of parcel, showing also the vicinity of the site in sufficient detail to enable easy location, in the field, of the site for which the special use permit is sought, and including the boundary line, underlying zoning, a legend, a scale, and a north arrow (this requirement may be satisfied by the submission of a separate vicinity map.);

B. Location of any existing and proposed structures;

C. Location of existing or proposed on-site sewage systems or private water supply systems;

D. Location of any perennial or intermittent stream, lake or pond, and its ordinary high water mark;

E. Location and landward limit of all wetlands;

F. Location of setback lines as defined in this chapter;

G. Location of the 100-year floodway;

H. Location of existing or future access roads;

I. Specifications and dimensions of stream, wetland or other water areas proposed for alterations;

J. Cross-sections and calculations indicating any changes in flood storage volumes; and

K. Such other information as is reasonably requested by the Village of Elburn.

(2) The applicant shall present evidence, prepared by a qualified professional, that demonstrates that the proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow. The developer shall also show, by submitting appropriate calculations and resource inventories, that the proposed development activity will not substantially reduce natural floodwater storage capacity, destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or ground water

resources, increase storm water run-off velocity so that water levels are substantially raised or the danger from flooding increased, or adversely impact any other natural stream, floodplain, or wetland functions, and is otherwise consistent with the intent of this chapter.

(d) Geologic and Soil Characteristics/Geologic and Soil Report. The site proposed for development shall be investigated to determine the soil and geologic characteristics, including soil erosion potential. A report, prepared by a licensed professional engineer, geoscientist, or soil scientist experienced in the practice of geologic and soil mechanics, shall be submitted with every application for land development within the Lowland Conservancy Overlay District. This report shall include a description of soil type and stability of surface and subsurface conditions. Any area which the investigation indicates as being subject to geologic or soil hazards shall not be subjected to development, unless the engineer or soil scientist can demonstrate conclusively that these hazards can be overcome.

(e) Hydrologic Controls/Drainage Control Plan. A drainage control plan that describes the hydraulic characteristics of on-site and nearby watercourses as well as the proposed drainage plan, prepared by a registered professional engineer experienced in hydrology and hydraulics, shall be submitted with each application for land development within the Lowland Conservancy Overlay District. Unless otherwise noted, the following restrictions, requirements and standards shall apply to all development within the Lowland Conservancy Overlay District:

- (1) Natural open-channel drainageways shall be preserved; and
- (2) Runoff from areas of concentrated impervious cover (e.g. roofs, driveways, streets, patios, etc.) shall be collected and transported, preferably to a naturalized drainageway with sufficient capacity to accept the discharge without undue erosion or detrimental impact. Other best management practices should be incorporated into site development plans to reduce runoff and dissipate the energy of a concentrated discharge and provide filtration processes. Examples of other best management practices include, but are not limited to, infiltration systems, vegetated filter strips, and bioretention facilities. The drainage control plan shall identify appropriate measures, such as recharge basins, which will limit the quantitative and qualitative effects of storm water runoff to pre-development conditions.

(f) Site Grading and Excavation Plan.

- (1) This subsection applies to the extent that grading and excavation and erosion control plans satisfy the following requirements, and are not already required by the Village. A site grading and excavation plan, prepared by a registered professional engineer, trained and experienced in civil engineering, shall be submitted with each application for a special use permit and shall include the following:

A. Details of the existing terrain and drainage pattern in one-foot contours;

B. Proposed site contours at one-foot intervals;

C. Dimensions, elevation and contours of grading, excavation and fill;

D. Description of methods to be employed in disposing of soil and other material that is removed from allowable grading and excavation sites, including location of the disposal site if on the property;

E. A schedule showing 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. The schedule shall be prepared so as to limit, to the shortest possible period, the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed or disturbed more than fifteen days prior to initiation of the improvements; and

F. A detailed description of the re-vegetation and stabilization methods to be employed shall be prepared in conjunction with the landscape/restoration and management plan per subsection (g) hereof and shall adhere to Chapter 1477 of these Codified Ordinances. This description should include locations of erosion control measures such as sedimentation basins, straw bales, diversion swales, silt fence, etc.

(2) The grading and excavation plan must be consistent with all provisions of ordinances relating thereto.

(3) Unless otherwise provided in this ordinance, the following restrictions, requirements and standards shall apply to all development within the Lowland Conservancy Overlay District:

A. Every effort shall be made to develop the site in such a manner as to minimize the alteration of the natural topography;

B. No grading, filling, cleaning, clearing, terracing or excavation of any kind shall be initiated until final engineering plans are approved and the special use permit is granted by the Village of Elburn.

C. The depositing of any excavation, grading or clearing material within the Lowland Conservancy Overlay District or its associated minimum setback area shall be prohibited.

(4) In addition to locating all site improvements on the subject property to minimize adverse impacts on the stream, lake, pond, or wetland, the applicant shall install a berm, curb, or other physical barrier during construction, and following completion of the project, where necessary,

to prevent direct runoff and erosion from any modified land surface into a stream, lake, pond, or wetland. All parking and vehicle circulation areas should be located as far as possible from a stream, lake, pond, or wetland.

(5) The Village of Elburn may limit development activity in or near a stream, lake, pond, or wetland to specific months, and to a maximum number of continuous days or hours, in order to minimize adverse impacts. Also, the Village of Elburn may require that equipment be operated from only one side of a stream, lake or pond in order to minimize bank disruption. Other development techniques, conditions, and restrictions may be required in order to minimize adverse impacts on streams, lakes, ponds or wetlands, and on any related areas not subject to development activity.

(g) Natural Vegetation Buffer Strip Required; Vegetation and Re-vegetation/Landscape Plan.

(1) To minimize erosion, stabilize the streambank, protect water quality, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures, and also to preserve aesthetic values of the natural watercourse and wetland areas, a native vegetation strip shall be maintained along the edge of the stream, lake, pond, or wetland. The native vegetation strip shall extend landward a minimum of fifty feet from the ordinary high-water mark of a perennial or intermittent stream, lake or pond and the edge of a wetland.

(2) Within the native vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the water body from the principal structure and for reasonable private access to the stream, lake, pond, or wetland. Said pruning and removal activities shall ensure that a live root system stays intact to provide for streambank stabilization and erosion control.

(3) A landscape/restoration and management plan, prepared by a qualified professional landscape architect or ecologist with specific training and experience in the development and implementation of natural areas planning shall be submitted with each special use permit application for development activity within the Lowland Conservancy Overlay District and shall contain the following:

A. A plan describing the existing vegetative cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction;

B. A plan describing the proposed re-vegetation with native vegetation of disturbed areas, specifying the materials to be used,

C. An implementation and five-year maintenance schedule;

and

D. A monitoring plan describing the prescribed maintenance activities and five-year monitoring criteria, including vegetation performance standards and a contingency plan if the performance standards are not achieved.

(4) The vegetation must be planned in such a way that access for stream maintenance purposes shall not be prevented.

(Ord. 98-30. Passed 12-21-98.)

1468.14 RELOCATION AND MINOR MODIFICATION OF WATERCOURSES.

(a) General Prohibition; Permitted Conditions. Watercourse relocation or modification is generally not permitted because these activities are not usually consistent with the purposes of this chapter. Under certain circumstances, relocation and minor modification may be permitted through a special use permit where certain problems can be mitigated by relocation and/or minor modification, specifically when:

(1) Off-site hydrologic conditions are causing erosion, flooding and related problems; or

(2) On-site soil and geologic conditions are resulting in unstable conditions that pose hazards to life, health, and existing structures or property; or

(3) The quality of the previously modified or relocated streams can be improved through restoration; or

(4) Officially adopted stormwater management plans call for placement of detention or retention facilities in a stream; or

(5) Public utilities, including sanitary sewers, pipelines, or roadways, require stream crossing or relocation where there are not practical alternatives.

Modification of watercourses as a convenience for site design purposes is not permitted.

(b) Conditions and Restrictions for Permitting Stream Modification. Stream modification, when permitted, is subject to the following conditions and restrictions:

(1) Water quality, habitat and other natural functions must be significantly improved by the modification; no significant habitat area may be destroyed;

(2) The amount of flow and velocity of a stream is not to be increased or decreased as the stream enters or leaves a subject property, unless this reflects an improvement over previous conditions in terms of reduced flooding, reduced erosion or enhanced low-flow conditions;

(3) Prior to diverting water into a new channel, a qualified professional approved by the Village of Elburn shall inspect the stream modification, and issue a report to the Village of Elburn that the modified stream complies with the requirements of subsection (c) hereof; and

(4) Stream channel enlargement, or other modifications that would increase conveyance, shall not be permitted if the intended purpose is to accommodate development activities in the floodplain.

(c) Required Content of Stream Modification/Relocation Plan. Stream relocation may be permitted in accordance with a stream relocation plan which provides for:

(1) The creation of a natural meander pattern, pools, riffles, and substrate;

(2) The formation of gentle side slopes (at least three feet horizontally per one foot vertically), including installation of erosion control features;

(3) The utilization of natural materials wherever possible;

(4) The planting of native vegetation associated with streams;

(5) The creation of spawning and nesting areas wherever appropriate;

(6) The re-establishment of the fish population wherever appropriate;

(7) The restoration of water flow characteristics compatible with fish habitat areas, wherever appropriate;

(8) The filling and re-vegetation with appropriate native species of the prior channel;

(9) The proposed phasing plan, specifying the time of year for all project phases;

(10) Plans for sediment and erosion control; and

(11) Establishment of a low-flow channel which reflects the conditions of a natural stream.

(d) Criteria for Permitting Armoring of Channels and Banks. Armoring in the form of bulkheads, riprap or other materials or devices is not permitted except in accordance with the following:

(1) Significant erosion cannot be prevented in any other way and the use of vegetation and gradual bank slopes has not sufficiently stabilized the shoreline or bank;

(2) The bulkhead or other device is not placed within a wetland, or between a wetland and a lake or pond;

(3) The bulkhead, riprap or other device will minimize the transmittal of wave energy or currents to other properties; and

(4) The change in horizontal or vertical configuration of land must be kept to a minimum.

Where permission to install bulkheads or other armoring devices is requested as part of the special use permit application, documentation and certification pertaining to the items above must be submitted.

(e) Criteria for Permitting the Use of Culverts. Culverts are not permitted in streams except in accordance with the following:

(1) Where a culvert is necessary for creating access to a property;

use of culverts as a convenience, in order to facilitate general site design, is not to be considered;

(2) The culvert must allow passage of fish inhabiting the stream, and accommodate the 100-year flood event without increasing upstream flooding, except where a restricting culvert is desirable as part of an overall storm and flood water management plan;

(3) The culvert must be maintained free of debris and sediment to allow free passage of water, and, if applicable, fish; and

(4) The stream bottom should not be significantly widened for the placement of a culvert as this increases siltation; if multiple culverts must be installed, one culvert should be at the level of the bottom of the stream and the others at or above normal water elevation.

(f) Criteria for Permitting On-Stream Impoundments. Impoundment of streams is not permitted except in accordance with all applicable Federal, State and County rules and regulations and the following:

(1) The impoundment is determined to be in the public interest by providing regional storm water detention, flood control, or public recreation;

(2) The impoundment will not prevent the upstream migration of indigenous fish species;

(3) The non-point source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals, and other pollutants;

(4) Impoundments without permanent low-flow pool are preferred except where a permanent pool is necessary to achieve the intended benefits of the impoundment (e.g. recreation or water quality mitigation); and

(5) Impoundment design shall include gradual bank stabilization measures, and a pre-sedimentation basin. (Ord. 98-30. Passed 12-21-98.)

1468.15 IMPACT ASSESSMENTS.

The Village of Elburn may ask an applicant to submit a report, prepared by a qualified professional that is approved by the Village of Elburn, in order to assess the potential impact of a proposed development on a lake, stream or wetland and associated environmentally sensitive areas, including loss of flood storage potential, loss of habitat, changes in species diversity and quantity, impacts on water quality, increases in human intrusion, and impacts on associated streams, lakes, ponds, wetlands or downstream areas. (Ord. 98-30. Passed 12-21-98.)

1468.16 STREAM MAINTENANCE EASEMENTS.

The applicant shall grant an access easement for stream maintenance purposes to the Village of Elburn over the entire fifty-foot buffer area. (Ord. 98-30. Passed 12-21-98.)

1468.17 NONCONFORMING USES.

(a) Nonconforming Buildings or Structures. A lawfully existing, nonconforming building or structure located in the Lowland Conservancy Overlay District or its associated minimum setback area which does not contain any nonconforming uses, may be continued except as otherwise permitted in this section. Nonconforming buildings and structures shall be subject to the following regulations:

(1) Enlargement, repair or alteration:

A. A nonconforming building or structure may be enlarged, maintained, repaired or structurally altered. No such enlargement, maintenance or repair, or structural alteration, shall create either an additional nonconformity or increase the degree of the existing nonconformity of all or any part of the building or structure. Damaged or destroyed buildings or structures shall be subject to the restrictions contained in paragraph (a)(1)B. hereof.

B. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure (other than a damaged or destroyed building or other structure subject to the provisions of paragraph (a)(2) hereof) in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.

(2) Damage or destruction:

A. In the event that a nonconforming building or structure is damaged or destroyed to the extent that the cost of restoration shall exceed fifty percent of the market value of such building or structure, no repairs or reconstruction shall be made unless such restoration or construction shall be made to thereafter conform to the regulations for the Lowland Conservancy Overlay District in which it is located.

B. If such damage or destruction does not exceed fifty percent of the market value of the building or structure, repairs and restoration must begin within twelve months from the date of the damage or destruction or such restoration shall conform to all the provisions of this chapter and for the Lowland Conservancy Overlay District in which it is located.

(b) Nonconforming Uses. A legally existing nonconforming use located in the Lowland Conservancy Overlay District or its associated minimum setback area which contains a nonconforming use not involving a building or structure may continue said use except as otherwise permitted in this section. Nonconforming uses shall be subject to the following regulations:

(1) A nonconforming use of a building or other structure, all or substantially all of which was designed or intended for a use which is not permitted in the Lowland Conservancy Overlay District in which it is located, shall not be changed to any other use other than one permitted in the Lowland Conservancy Overlay District in which the land is located. When a nonconforming use has been changed to a permitted use, it shall not thereafter be changed back to a nonconforming use.

(2) The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of land, shall not be changed to any other use, except a use permitted in the Lowland Conservancy Overlay District in which the land is located.

(3) A nonconforming use in effect at the time an amendatory ordinance becomes effective shall be discontinued and not re-established, except when the provisions of the amendatory ordinance find the use to be conforming to the Lowland Conservancy Overlay District in which it is located.

(4) In the event that the operation of a nonconforming use of land, building or structure is discontinued for twelve months, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the Lowland Conservancy Overlay District in which it is located.

(5) No nonconforming accessory use shall continue after the principal use to which it is accessory has been abolished.

(Ord. 98-30. Passed 12-21-98.)

1468.18 AUTHORITY OF PUBLIC WORKS SUPERINTENDENT; APPEALS.

The administration and enforcement of this chapter shall be the responsibility of the Public Works Superintendent of the Village of Elburn. All appeals of the Public Works Superintendent's decisions regarding the interpretation of this chapter shall be heard by the Zoning Enforcement Officer. Applicants may appeal the decision of the Zoning Enforcement Officer to the Zoning Board of Appeals. The decision of the Zoning Board of Appeals shall be final. (Ord. 98-30. Passed 12-21-98.)

1468.19 VARIANCES AND EXCEPTIONS.

(a) The Village Board may, in accordance with the procedures set forth in this section, authorize variances to any of the requirements and regulations set forth in this chapter.

(b) An application for a variance shall be made by verified petition of the applicant for a special use permit, stating fully the grounds of the petition and the facts relied upon by the applicant. Such petition shall be filed with the special use permit application. In order for the petition to be granted, it shall be necessary that the Village Board, following a review and recommendation by the Planning Commission, find all of the following facts with respect to the land referred to in the petition:

(1) That the land is of such shape or size or is affected by such physical conditions or is subject to title limitations or record, that it is impossible or impractical for the applicant to comply with all of the requirements of this chapter;

(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

(3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.

(c) Each application for a variance shall be referred to the Zoning Enforcement Officer for review. The Zoning Enforcement Officer shall transmit a recommendation to the Planning Commission and Village Board, which shall review such recommendation prior to granting or denying the variance.

(d) The Planning Commission shall hold a public hearing on each application for an exception, within thirty days of receiving the application, in the manner provided for variances. After the public hearing, the Village Board may approve the special use permit with the variance(s) and any conditions it deems necessary or it may disapprove such special use permit and variance(s) or it may take such other action as is appropriate. (Ord. 98-30. Passed 12-21-98.)

1468.20 INDEMNIFICATION OF VILLAGE.

Prior to the issuance of a construction permit, the applicant shall enter into an agreement with the Village of Elburn which runs with the property, in a form acceptable to the Village Attorney, indemnifying the Village for any damage resulting from development activity on the subject property which is related to the physical condition of the stream or wetland. (Ord. 98-30. Passed 12-21-98.)

1468.21 APPLICATION OF CHAPTER.

The requirements of this chapter shall apply to all platted and unplatted lands within the jurisdiction of the Village of Elburn. (Ord. 98-30. Passed 12-21-98.)

1468.22 SUSPENSION OR REVOCATION OF SPECIAL USE PERMIT;
STOP-WORK ORDERS.

In the event that any person holding a special use permit pursuant to this chapter violates the terms of the permit, or carries on site development in such a manner as to materially and adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the development site, or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Village of Elburn, then the special use permit may be suspended or revoked.

(a) Suspension of a permit shall be by written stop-work order issued by the Public Works Director and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the Zoning Board of Appeals, at which time the conditions of subsection (b) hereof can be met.

(b) No special use permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

- (1) The grounds for the complaint or reasons for suspension or revocation, in clear and concise language; and
- (2) The time and place where such hearing will be held.

Such notice shall be served on the permittee at least five days prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his or her behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked. (Ord. 98-30. Passed 12-21-98.)

1468.99 VIOLATIONS; PENALTY.

(a) No person shall undertake or continue any development activity contrary to or in violation of any provisions of this chapter. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this chapter is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine in accordance with Section 202.99 of these Codified Ordinances for each offense.

(b) In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this chapter shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration. (Ord. 98-30. Passed 12-21-98.)

76Z-13

MOUNTED DIAGRAM IS SAVED IN WP50/ELBURN AS ELBURNPICTURE,
WITH A DOC EXTENSION; IT MUST BE OPENED AND PRINTED IN WP7 OR
WP9.

CHAPTER 1470
Mobile Home Parks

- 1470.01 Definitions.
- 1470.02 Permit to construct or original license to operate required.
- 1470.03 Permit license applications.
- 1470.04 Permit and license fees.
- 1470.05 Review by Zoning Board of Appeals; recommendation to rezone.
- 1470.06 Building permit required; issuance of license to operate.
- 1470.07 Alteration in plans.
- 1470.08 Compliance with other Village ordinances.

- 1470.09 Annual fees.
- 1470.10 Suspension or revocation of license.
- 1470.11 Display of licenses; applicability; transfer prohibited.
- 1470.12 General requirements for mobile home parks.
- 1470.13 Records.
- 1470.14 Obligations of licensee.
- 1470.15 Enforcement.
- 1470.99 Penalty.

CROSS REFERENCES

Commercial and heavy vehicles - see TRAF. Ch. 466

Truck routes and traffic - see TRAF. Ch. 468

Licenses and permits in general - see B.R. & T. Ch. 802

Building permits, certificates and fees - see B. & H. Ch. 1442

1470.01 DEFINITIONS.

As used in this chapter:

(a) "Mobile home" means any structure designed to be transported, after fabrication, on a flatbed or another trailer, or on detachable wheels, to a site where it is to be used as a dwelling ready for occupancy, except for minor or incidental unpacking and assembly operations.

(b) "Mobile home park" means an area of land upon which two or more occupied mobile homes are harbored, for revenue purposes, and shall include any building, structure or enclosure used or intended for use as a part of the equipment of such mobile home park.

(c) "Mobile home space" means any portion of a mobile home park designed for the use or occupancy of one mobile home.

(d) "School district" means any district created or operated under the provisions of The School Code, approved May 1, 1945, as amended.

(Ord. 89-13. Passed 10-2-89.)

1470.02 PERMIT TO CONSTRUCT OR ORIGINAL LICENSE TO OPERATE REQUIRED.

No person, firm or corporation shall construct, establish, maintain, conduct or operate a mobile home park after the effective date of this chapter without first obtaining a permit to construct or an original license to operate such mobile home park from the Village Board of Trustees. Such permit or license shall be issued for one year and shall expire at midnight on April 30 of each year, and the permit or license shall be renewed from year to year upon payment of the annual license fee herein provided. (Ord. 76-17. Passed 8-16-76.)

1470.03 PERMIT LICENSE APPLICATIONS.

In order to obtain a permit to construct, or an original license to operate, a mobile home park, the applicant shall file with the Zoning Board of Appeals a written application setting forth:

(a) The full name and address of the applicant or applicants, or names and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application.

(b) The location and legal description of the tract of land upon which it is proposed to operate and maintain a mobile home park.

(c) The proposed and existing facilities in the park for water supply, sewage, garbage and waste disposal and fire protection.

(d) The proposed method of lighting structures and land upon which the park is located.

(e) The plat plans of the park, drawn on a scale of 100 feet to one inch, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities, or the proposed alterations in existing facilities, all showing compliance with the provisions of this chapter. The plat plans shall be drawn on a scale of 100 feet to one inch and shall contain, among other things, the following:

- (1) The date on which such plat plans were prepared;
 - (2) An arrow indicating north;
 - (3) All mobile home spaces, which shall be properly numbered on plat plans and each of which shall front on a public street;
 - (4) Complete information regarding storm drainage;
 - (5) Storm water run-off, which shall be shown on a separate plat;
 - (6) Contour lines, at one-foot intervals, which shall be shown on a separate plat, and United States Geological Survey data, which shall be used for the preparation of such plat;
 - (7) Grades of driveways and all ditches, which shall be shown on a separate plat;
 - (8) Public streets and public spaces, which shall meet the subdivision standards of the Village; and
 - (9) The plat of the park, which shall be drawn to conform to the requirements for subdivision plats in the Village and, if a permit or license is granted, shall be recorded before the permit or license is issued;
- (f) A statement of the fire-fighting facilities, public or private, which are available to the mobile home park.
- (g) An affidavit as to the truth of the matters contained in the application, which shall be attached thereto.
- (h) Where a permit to construct, as well as an original license to operate, is sought by the applicant, a request therefor shall be made in the same application. (Ord. 76-17. Passed 8-16-76.)

1470.04 PERMIT AND LICENSE FEES.

- (a) Each application for a permit to construct or for an original license shall be accompanied by an application fee of twenty-five dollars (\$25.00) for each mobile home space.
- (b) Each application fee shall be paid to the Building Enforcement Officer by a separate certified check or United States Postal Service money order in the amount of the application fee only, and said application fee, once paid to the Building Enforcement Officer, shall not be refunded. (Ord. 76-17. Passed 8-16-76.)

1470.05 REVIEW BY ZONING BOARD OF APPEALS;
RECOMMENDATION
TO REZONE.

- (a) The Zoning Board of Appeals, upon receipt of an application, shall, after examination of the application and after determining that it is in conformity with the terms of this chapter, forthwith call for a public hearing of the Zoning Board of Appeals pursuant to the terms of the Zoning Code.

(b) If, after such a hearing, the Zoning Board of Appeals decides to recommend the rezoning of the land described in the application, it shall recommend to the Village Board of Trustees that the land in question be rezoned and that the Village Board of Trustees issue a permit to construct, or an original license, as the case may be.

(c) If the recommendation to rezone and to construct or issue a license to operate and maintain a mobile home park is declined by the Village Board of Trustees, the Board of Trustees shall give the reasons therefor in writing to the applicant as provided in the Zoning Code.

(d) If the objections can be corrected, the applicant may amend his or her application and resubmit it for approval to the Village Board of Trustees.
(Ord. 76-17. Passed 8-16-76.)

1470.06 BUILDING PERMIT REQUIRED; ISSUANCE OF LICENSE TO OPERATE.

(a) If a permit to construct a park has been issued, the applicant shall, upon completion thereof, notify the Building Enforcement Officer and apply for a building permit.

(b) The Building Enforcement Officer shall then inspect the park, and, if it is completed in accordance with the accepted application and the provisions of this chapter, the Village Clerk shall issue a license to operate and maintain said park.
(Ord. 76-17. Passed 8-16-76.)

1470.07 ALTERATION IN PLANS.

(a) No change in any sanitary facilities, or in methods of water supply, sewer, drainage, garbage or waste disposal, and no change in the plat plan, shall be made without first making a written application to the Zoning Board of Appeals.

(b) Such application shall be made in the way and manner hereinbefore set forth, except that a fee amounting to ten dollars (\$10.00) for each mobile home space desired shall accompany each application for a permit to alter the plat plan.

(c) No application fee shall be required to accompany an application for a permit to alter a park where such alteration involves only a reduction to the number of mobile home spaces to a number less than such park is currently licensed for.

(d) Such change or changes shall comply with such safety and sanitary codes, building codes and rules and regulations as are applicable thereto.
(Ord. 76-17. Passed 8-16-76.)

1470.08 COMPLIANCE WITH OTHER VILLAGE ORDINANCES.

A permit issued under this chapter does not relieve the applicant from securing permits or from complying with the Zoning Code, this Building and Housing Code or any other ordinance applicable thereto. No license to operate and maintain a park shall be issued if such park is in violation of the Zoning Code.
(Ord. 76-17. Passed 8-16-76.)

1470.09 ANNUAL FEE.

(a) In addition to the application fee provided for in Section 1470.04, the licensee shall pay to the Village Clerk on or before April 30 of each year an annual license fee, which shall be fifty dollars (\$50.00), plus three dollars (\$3.00) for each mobile home space in the park. However, subsequent to the effective date of this chapter, any applicant for an original license to operate a new mobile home park constructed under a permit by the Building Inspector shall only be required to pay one-quarter of the annual fees if such park begins operating after January 31 and before May 1 of such licensing year; or one-half of the annual fees if such mobile home park begins operation after October 31 and before February 1 of such licensing year; or three-quarters of the annual fees if such park begins operation after July 31 and before November 1 of such licensing year; but shall be required to pay the entire annual fees if such mobile home park begins operation after April 30 and before August 1 of such licensing year.

(b) License fees shall be paid to the Village Clerk by a separate certified check or United States Postal Service money order in the amount of the license fees only, and any license fees, or any part thereof, once paid to and accepted by the Village Clerk, shall not be refunded if the license is granted.

(c) Refund of all fees shall be made if the license is denied.

(d) The Village Clerk shall deposit all funds received under this chapter with the Village Treasurer.
(Ord. 76-17. Passed 8-16-76.)

1470.10 SUSPENSION OR REVOCATION OF LICENSE.

(a) Any license granted hereunder shall be subject to revocation or suspension by the Village Board.

(b) The Building Inspector shall first serve, or cause to be served, upon the licensee, a written notice, in which shall be specified the way or ways in which such licensee has failed to comply with this chapter.

(c) Said notice shall require the licensee to comply with this chapter, as to the matters mentioned in the notice, within a reasonable time.

(d) If the licensee fails to comply with the terms and conditions of said notice within a reasonable time, the Board shall revoke or suspend the license of the licensee. (Ord. 76-17. Passed 8-16-76.)

1470.11 DISPLAY OF LICENSES; APPLICABILITY; TRANSFER PROHIBITED.

(a) No person, firm or corporation shall construct a mobile home park without first obtaining a permit to do so.

(b) Each permit to construct, each license to operate and each permit to make alterations therein shall be prominently displayed in the office of the mobile home park for which the same was issued.

(c) Licenses issued hereunder apply only to the premises described in the application and in the license issued thereon, and only one location shall be so described in each license.

(d) A license which has been issued to a person, firm or corporation may not be transferred to any other person, firm or corporation without the written consent of the Village Board. However, the Village Board may not withhold such consent where the provisions of this chapter have been met.

(e) A license which has been issued for a particular premises may not be removed or made to apply to any other premises. (Ord. 76-17. Passed 8-16-76.)

1470.12 GENERAL REQUIREMENTS FOR MOBILE HOME PARKS.

Except as provided in Section 1470.13, every park licensed or to be constructed under the provisions of this chapter shall comply with the following provisions:

(a) Park Attendant. Every park shall be in the charge of a responsible attendant or caretaker at all times, whose duties shall be to maintain the park and its facilities and equipment in a clean, orderly and sanitary condition, and be answerable, with the licensee, for any violation of the provisions of this chapter.

(b) Park Drainage. No park shall be so located that the drainage of the park area will endanger any water supply. All such parks shall be well-drained, and shall be located in areas free from ponds, swamps and similar places in which mosquitos may breed. No wastewater from mobile homes shall be deposited on the surface of the ground.

(c) Area. The total minimum area for each mobile home park shall be six acres. The number of spaces completed and ready for occupancy before first occupancy is permitted shall be on the ratio of one additional acre for each fifty residential dwelling

unit/building permits issued from the date of this chapter.

(d) Maximum Density of Units per Acre. The total density of any mobile home park shall not exceed six units per net acre.

(e) Minimum Lot Size. The minimum space for each individual mobile home space shall be 6,000 square feet. Not more than one mobile home shall be placed on a space.

(f) Mobile Home Spaces. The space reserved for the placement of the mobile home shall conform to the following standards:

(1) Placements. The mobile home shall be placed in whole upon a permanent cement foundation and, in so placing it, the parking and area regulations of the Zoning Code shall govern.

(2) Foundation. The cement foundation shall meet the requirements of this Building and Housing Code. A mobile home shall be secure to its foundation in such a manner as to withhold winds of 120 miles per hour. Wheels and hitches shall be removed.

(3) Gradient. There shall be a minimum of a two percent longitudinal and adequate crown or cross-gradient and surface drainage.

(g) Utilities.

(1) Water.

A. Water mains connected to the waterworks system of the Village shall be installed in the public streets of the park, and each mobile home space shall be connected thereto.

B. The mains shall be installed in accordance with the Streets, Utilities and Public Services Code.

C. Connections to the park mains shall be made in accordance with the Streets, Utilities and Public Services Code, and the fees and charges therein provided shall govern.

(2) Sewer.

A. Sewer lines connected to the sanitary sewer system of the Village shall be installed in the public streets of the park, and each mobile home space shall be connected thereto.

B. The mains shall be installed in accordance with the regulations of the Streets, Utilities and Public Services Code.

C. Connections to the park mains shall be made in accordance with the Streets, Utilities and Public Services Code, and the fees and charges therein provided shall govern.

(3) Combined Waste Outlet.

A. Each mobile home site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home.

B. It shall be the duty of the owner or operator of said mobile home park to provide an approved type of watertight and odortight connection from the mobile home water drainage to the sewer connection, and it shall be the duty of said owner or operator to make such connection to said sewer while located in a mobile home park. Sewer connections in unoccupied mobile home sites shall be so closed that they will emit no odors or cause a breeding place for flies.

C. No water or waste shall be allowed to fall on the ground from a mobile home.

(h) Garbage and Rubbish. Garbage and waste removal shall be made by a licensed Village scavenger.

(i) Lighting. Street lights of a standard kind and quality used on the Village streets shall be installed on the park streets at intervals of not less than 300 feet.

(j) Electric Power. All electric distribution wiring shall be underground. All service lines to each mobile home space shall be underground.

(k) Gas Mains. Natural gas shall be provided for each mobile home space, and the distribution mains shall be in the public streets.

(l) Storage Tanks. No individual storage facilities for gasoline, oil, gas, liquefied gas or other fuels shall be permitted within the park.

(m) Additions. Additions may be made to mobile homes, provided that such additions are specifically manufactured for mobile homes, and provided, further, that such additions conform to all of the other provisions of this chapter.

(n) Playgrounds. A recreational area shall be provided, of a size not less than eight percent of the gross site area, generally in a central location, and shall include suitable landscaping, fencing and benches. In larger parks, decentralization will be allowed. Recreation areas shall include space for community buildings and community use facilities, such as adult recreation, child playgrounds and natural open space.

(o) Additions to Mobile Homes. No permanent or semipermanent structure shall be affixed to any mobile home as an addition to such mobile home, nor shall any accessory structure be permitted on any mobile home lot. The prohibition herein against any addition or accessory to a mobile home shall not apply to a canopy or awning designed for use with a mobile home, nor to any expansion unit or accessory structure specifically manufactured for mobile homes. The lot coverage of a mobile home, together with any expansion or accessory structure permitted thereto by this chapter, shall not exceed forty percent of the total mobile home lot area.

(p) Mobile Home Construction. No mobile home shall occupy any space in a park that does not meet the fire resistance standards of the American Insurance Association.

(q) Certificates of Use and Occupancy Required. No mobile home park shall be occupied until a certificate of use and occupancy shall have been issued by the Building Inspector to the effect that the mobile home park, or the portion thereof for which such certificate is required, is in compliance with all applicable provisions of this chapter.

(Ord. 76-17. Passed 8-16-76.)

1470.13 RECORDS.

(a) When the Village Board has approved an application for a permit to construct or make alterations upon a mobile home park or the appurtenances thereto, or for a license to operate and maintain the same, it shall retain the original and keep a file thereon; one copy shall be returned to the applicant or his or her agent, and one copy shall be delivered to the Building Enforcement Officer.

(b) The Building Enforcement Officer shall draft and supply all forms and blanks and shall specify the number and detail necessary to obtain permits to construct or make alterations upon mobile home parks and for a license to operate and maintain such a park according to this chapter.

(c) The Building Enforcement Officer shall keep a record of all mobile home parks. Said records shall show the names and addresses of all mobile home parks, the names and addresses of the licensees, the number of mobile home lots in each park, the source of water supply, the system of sewage and garbage disposal and any other information deemed essential by the Building Inspector.

(Ord. 76-17. Passed 8-16-76.)

1470.14 OBLIGATIONS OF LICENSEE.

The following provisions shall be applicable to all mobile home parks licensed under the provisions of this chapter:

(a) It shall be the duty of each licensee, on the first days of February and September of each year, to file with the school board or boards of the school district or districts wherein the mobile home park is located, a report giving the names and ages of all children of school age living in said mobile home park.

(b) All streets and driveways in every mobile home park must be maintained in a passable and reasonable dustproof condition at all times.

(c) The management of every mobile home park shall assume full responsibility for maintaining in good repair and condition all sanitary and safety appliances on said park, and shall promptly bring such action as is necessary to prosecute or eject from said park any person or persons who willfully or maliciously damage such appliances, or any person or persons who fail to comply with the regulations of this chapter.

(d) Each mobile home park shall be provided with a custodian's office, where each mobile home entering such park shall be assigned to a lot location, given a copy of the mobile home park rules, and registered according to the prescribed form. Said registrations shall include the name and address of every occupant of said mobile home, the license number of all units, the state issuing such licenses and a statement indicating the exact location at which such mobile home was last parked, including the state, city, town or village where such parking occurred. The records shall be confidential and shall be surrendered to a law enforcement agency only, and then in response to a lawful subpoena, only.

(Ord. 76-17. Passed 8-16-76.)

1470.15 ENFORCEMENT.

(a) The Building Enforcement Officer shall enforce the provisions of this chapter.

(b) The Building Enforcement Officer or his or her deputies shall inspect, at least once each year, each mobile home park and all the accommodations and facilities therein.

(c) The Building Inspector and his or her deputies are hereby granted the power and authority to enter upon the premises of such mobile home parks at any time for the purposes herein set forth.

(Ord. 76-17. Passed 8-16-76.)

1470.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1472
Moving of Buildings

- 1472.01 Permit required; applications.
 1472.02 Permit fees; issuance.
 1472.03 Bond.
 1472.04 Warning lights and signs required.
 1472.05 Interference with public utility wires or cables.
 1472.06 Endangerment of fire alarm poles or wires; notification required.
 1472.99 Penalty.

CROSS REFERENCES

- Commercial and heavy vehicles generally - see TRAF. Ch. 466
 Truck routes and traffic - see TRAF. Ch. 468
 Obstruction of traffic - see GEN. OFF. 656.06
 Street and sidewalk obstructions - see S.U. & P.S. 1020.04(f)
 Building permits, certificates and fees - see B. & H. Ch. 1442

1472.01 PERMIT REQUIRED; APPLICATIONS.

No person, firm or corporation shall move any building on, through or over any streets, alleys or sidewalks or other public places in the Village without having obtained a permit therefor from the Board of Trustees. Applications for such permits shall be made in writing to the Village Clerk, and shall state thereon the proposed route and the number of days it is intended that the building shall occupy any portion of any street, alley, sidewalk or other public place.

(Ord. 76-20. Passed 9-7-76.)

1472.02 PERMIT FEES; ISSUANCE.

Upon the approval of the intended route by the Board of Trustees, a fee as provided in Section 1442.04(e) shall be paid to the Village Clerk, and the permit shall be issued.

1472.03 BOND.

Every person, firm or corporation applying for a permit under this chapter shall submit, with his or her application, a bond with at least two sureties approved by the Board of Trustees conditioned on his or her compliance with all the provisions of this chapter, and agreeing to pay and holding the Village harmless from any claim arising against the Village by reason of the occupancy of any street, sidewalk, alley or other public place by the building or structure moved.
(Ord. 76-20. Passed 9-7-76.)

1472.04 WARNING LIGHTS AND SIGNS REQUIRED.

Whenever a street or alley is blocked by a house or structure which is being moved, warnings to that effect shall be placed by the Chief of Police so as to warn vehicles and persons from entering that portion of the street which is so blocked. Any person, firm or corporation moving any building through the street shall keep warning signs and lanterns or lights, at night, on the building so as to guard against any person or vehicle from colliding with it.
(Ord. 76-20. Passed 9-7-76.)

1472.05 INTERFERENCE WITH PUBLIC UTILITY WIRES OR CABLES.

Whenever it is necessary to interfere with the wires or cables of a public utility in moving a building, the terms of any special of franchise ordinance governing shall apply, and the bond therein specified shall be given. If no such terms apply, then the Village President shall estimate the expense of fixing the wires and the bond shall be given to cover this.
(Ord. 76-20. Passed 9-7-76.)

1472.06 ENDANGERMENT OF FIRE ALARM POLES OR WIRES;
NOTIFICATION.

When any moving building approaches any fire alarm wire or pole so that the wire or pole is endangered by the removal of such building, it shall be the duty of the mover to notify the Chief of the Fire Department, at least six hours before reaching such wire or pole, so that such wire or pole may be removed or cared for by the authorities of the Village.
(Ord. 76-20. Passed 9-7-76.)

1472.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1474
Numbering of Buildings

- 1474.01 Numbering required.
- 1474.02 Assignment of numbers.
- 1474.03 Chart of numbers.
- 1474.04 Posting of numbers; specifications.
- 1474.99 Penalty.

CROSS REFERENCES

Numbering of parcels - see S.U. & P.S. Ch. 1022

1474.01 NUMBERING REQUIRED.

All lots, buildings and structures in the Village shall be numbered in accordance with the following plan:

(a) There shall be 100 numbers to each block, with the odd numbers on the south and east side of the streets. North Street shall be the base line for numbers running north and south, and Main Street shall be the base line for numbers running east and west.

(b) Multiple units shall be numbered as follows:

(1) Each unit of a side-by-side duplex or apartment shall have a whole number.

(2) Any upstairs duplex unit shall have a "one-half" number.

(3) Dwellings with three or more units shall have letter designations, i.e. "A," "B," "C," "D," etc.

(c) The Clerk, in assigning new numbers, shall allow four numbers between adjoining units, except as otherwise noted in this chapter. Numbers on the north and west sides for instance, would then be 100, 108, 116, 124. Numbers on the south and east sides for instance, would then be 101, 109, 117, 125.

(Ord. 91-12. Passed 7-1-91.)

1474.02 ASSIGNMENT OF NUMBERS.

The Village Clerk, or his or her designee, shall assign, or cause to be assigned, to each lot or building its proper number, and shall inform the owner, agent or person in possession of said premises as to the number thereof at any time upon demand, and no number shall be used to designate any building or lot unless the same shall have been assigned. In all cases where building numbers have been assigned on any street, it shall be the duty of the Clerk to adjust and reassign such numbers as the same may be required from time to time; in all cases where there is an error or conflict in numbers, said Village Clerk shall correct and make the proper adjustment of the same. (Ord. 91-12. Passed 7-1-91.)

1474.03 CHART OF NUMBERS.

The Clerk shall keep a chart showing the proper street number of every lot in the Municipality, which shall be open to inspection by anyone interested. (Ord. 91-12. Passed 7-1-91.)

1474.04 POSTING OF NUMBERS; SPECIFICATIONS.

It shall be the duty of the owner and occupant of every residential and commercial building structure in the Village to cause every principal building or structure to have posted thereon figures showing the number of that building or structure. Said figures shall be in Arabic numbers, a minimum of five inches in height and of proportionate width, of contrasting color to the mounting surface, and affixed in such a place as to be easily and distinctly read and in plain view from the street. All such numbers shall be placed within ten feet of the front door and shall be visible from the street abutting the front yard. In the event the front door is not on the side of the building or structure facing the street, the requirement of being within ten feet of the front door shall not apply. In an area where the numbers are on a curbside mail box, such numbers shall be on the side of approaching traffic and of a minimum of three inches in height. During construction, buildings shall have temporary numbers affixed to or painted on the structure.

This section shall not apply to existing buildings and structures already numbered in a place visible from the street, but shall apply to such structures if such numbers are replaced, or if said building does not, at the time of the passage of this chapter, have any numbers placed thereon visible from the street abutting the front yard. (Ord. 91-12. Passed 7-1-91.)

1474.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1476
Signs (Repealed)

EDITOR'S NOTE: Chapter 1476, Signs, was repealed by Ordinance 2009-03, passed March 16, 2009.

[Text continues on page 103]

CHAPTER 1477

Soil Erosion and Sedimentation Control

1477.01 Findings.	1477.06 Design and operation standards and requirements.
1477.02 Purpose.	1477.07 Exceptions.
1477.03 Definitions.	1477.08 Stop-work order; revocation of permit.
1477.04 General principles.	1477.99 Penalty.
1477.05 Site development permits.	

CROSS REFERENCES

Flood damage prevention - see B. & H. Ch. 1464
 Grading - see B. & H. Ch. 1466
 Lowland Conservancy Overlay District - see B. & H. Ch. 1468
 Stormwater drainage and detention - see B. & H. Ch. 1478

1477.01 FINDINGS.

The President and the Board of Trustees hereby find that:

(a) Excessive quantities of soil may erode from areas undergoing development for certain non-agricultural uses, including, but not limited to, the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, the modification of stream channels and drainageways, and the creation of recreational facilities;

(b) The washing, blowing and falling of eroded soil across and upon roadways endangers the health and safety of users thereof, by decreasing vision and reducing traction of road vehicles;

(c) Soil erosion necessitates the costly repairing of gulleys, washed-out fills and embankments;

(d) Sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, wetlands and reservoirs;

(e) Sediment limits the use of the water and waterways for most beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life, and is costly and difficult to remove; and

(f) Sediment reduces the channel capacity of floodplains and natural depressions, resulting in increased chances of flooding, at a risk to public health and safety. (Ord. 98-20. Passed 8-17-98.)

1477.02 PURPOSE.

The President and the Board of Trustees hereby declare that the purpose of this chapter is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated in the Village. It is the intention of this chapter that the delivery of sediment from sites affected by land disturbing activities be limited, as closely as practical, to that which would have occurred if the land had been left in its natural undisturbed state. (Ord. 98-20. Passed 8-17-98.)

1477.03 DEFINITIONS.

As used in this chapter, the following words and terms shall be defined as follows:

- (1) BUILDING PERMIT: A permit issued by the Village for the construction, erection or alteration of a structure or building.
- (2) CERTIFY OR CERTIFICATION: Formerly attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this chapter.
- (3) CLEARING: Any activity which removes vegetative ground cover.
- (4) CUBIC YARDS: The amount of material in excavation and/or fill measured by the method of "average end areas".
- (5) EXCAVATION: Any act by which organic matter, earth, sand, gravel, rock or other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.
- (6) EXISTING GRADE: The vertical location of the existing ground surface prior to excavation or filling.
- (7) FILL: Any act by which earth, sand gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by humans to a new location, including the conditions resulting therefrom.
- (8) FINAL GRADE: The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.
- (9) GRADING: Excavation or fill or any combination thereof, including the conditions resulting from any excavation or fill.
- (10) NATURAL DRAINAGE: Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.
- (11) PARCEL: All contiguous land in one ownership.
- (12) PERMITTEE: Any person to whom a site development permit is issued.

(13) PERSON: Any individual, firm or corporation, public or private, the State of Illinois and its agencies and political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

(14) REMOVAL: Cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

(15) SITE: A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

(16) SITE DEVELOPMENT: Altering terrain and/or vegetation and constructing improvements.

(17) SITE DEVELOPMENT PERMIT: A permit issued by the Village for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

(18) STREAM: Any river, creek, brook, branch, flowage, ravine 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.

(19) STRIPPING: Any activity which removes the vegetative surface cover, including tree removal, clearing or storage or removal of topsoil.

(20) VACANT: Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

(21) VILLAGE: The Village of Elburn, Kane County, Illinois.

(22) WETLANDS: Areas that are inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (Ord. 98-20. Passed 8-17-00.)

1477.04 GENERAL PRINCIPLES.

It is the objective of this chapter to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating and filling of land in the Village. Measures taken to control soil erosion and offsite sediment runoff should be adequate to assure that sediment is not transported from the site by a storm event of ten-year frequency or less. The following principles shall apply to all development activities within the Village and to the preparation of submissions required under Section 1477.05.

(a) Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible, and natural contours should be followed as closely as possible.

(b) Natural vegetation should be retained and protected wherever possible. Clearing or removal of natural ground cover and/or trees within the Lowland Conservancy District is prohibited unless a special use permit is granted and the provisions of the Stream and Wetland Protection Ordinance are followed. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.

(c) Special precautions should be taken to prevent damages resultant from any necessary and permitted development activity within or adjacent to any stream, lake, pond or wetland. Preventative measures should reflect the sensitivity of these areas to erosion and sedimentation.

(d) All activities on the site shall be conducted on the smallest practical area of land, in a logical and phased sequence to minimize the area of bare soil exposed at any one time.

(e) Sediment basins or traps, filter barriers, diversions and any other appropriate sediment or runoff control measure shall be installed prior to site clearing and grading and shall be maintained to remove sediment from runoff waters from land undergoing development.

(f) The selection of erosion and sedimentation control measures shall be based on the assessment of the probable frequency of climactic and other events likely to contribute to erosion, and on evaluation of the risks, costs and benefits involved.

(g) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance shall be considered.

(h) Provision shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Drainageways shall be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion on-site or downstream.

(i) Permanent vegetation and structures shall be installed and functional as soon as practical during development.

(j) Those areas being converted from agricultural purposes to other land uses shall be vegetated with an appropriate protective cover prior to development.

(k) All waste generated as a result of site development activity shall be properly disposed of and shall be prevented from being carried off the site by either wind or water.

(l) All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.

(Ord. 98-20. Passed 8-17-00.)

1477.05 SITE DEVELOPMENT PERMIT.

(a) Permit Required.

(1) Except as otherwise provided in this chapter, no person shall commence or perform any clearing, grading, stripping, excavating or filling of land which meets the following provisions without having first obtained a site development permit from the Village:

A. Any land disturbing activity (i.e. clearing, grading, stripping, excavation, fill or any combination thereof) that will affect an area in excess of 5,000 square feet;

B. Any land disturbing activity that will affect an area in excess of 500 square feet if the activity is within fifty feet of a lake, pond, stream or wetland; or

C. Any excavation, fill or combination thereof that will exceed 100 cubic yards.

(2) No permit shall be issued unless the Village of Elburn finds that:

A. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, and forested areas, nor impair their natural functions, and will preserve and incorporate such features into the development site;

B. The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements;

C. Adequate assurances have been received that the clearing of the site of topsoil, trees, and other natural features will not occur before the commencement of building operations; only those areas approved for the placement of physical improvements may be cleared;

D. The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and, in addition, the development will not increase stream velocities; and

E. The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff.

(b) Exceptions. A permit shall not be required for any of the following, provided that the person responsible for any such development shall implement necessary soil erosion and sediment control measures to satisfy the principles set forth in Section 1477.04 and are consistent with Section 1477.06:

(1) Excavation below final grade for the basement and footings of a single family residence and appurtenant structures on a site in excess of two acres for which a building permit has been issued by the Village;

(2) Agricultural use of land zoned for such use in the Village, including the implementation of conservation measures included in a farm conservation plan approved by the Kane and DuPage Soil and Water Conservation District, and including the construction of agricultural structures;

(3) Installation, renovation or replacement of a septic system to serve an existing dwelling or structure.

(c) Application for Permit. Application for a site development permit shall be made by the owner of the property or his or her authorized agent to the Village on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm, and shall be accompanied by a starting filing fee of five hundred dollars (\$500.00) for the purpose of reviewing the application. Each applicant shall reimburse the Village for all out-of pocket costs directly associated with reviewing the application. Any review fees not used by the Village shall be returned to the applicant. Each application shall include certification that any land clearing, construction or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

(d) Submission. Prior to the submission of permit applications, a pre-application meeting with the Village and its consultants is recommended to informally review submission items prior to the formal application. Each application for a site development permit shall be accompanied by the following information:

(1) A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought, including a boundary line and approximate acreage of the site, existing zoning, legend, scale and north arrow.

(2) A development plan of the site showing:

A. Existing and proposed topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than one foot contour intervals and clearly portraying the conformation and drainage pattern of the area.

B. The location of existing buildings, structures, utilities, streams, lakes, floodplains, wetlands, including the Lowland Conservancy District boundary, and depressions, drainage facilities, vegetative cover, paved areas, rights-of-way, easements, paved areas and other significant natural or man-made features on the site and adjacent land within 100 feet of the boundary.

C. A general description of the predominant soil types on the site, their location and their limitations for the proposed use.

D. Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavating and filling; proposed contours, finished grades and street profiles; provisions for storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff, with a drainage area map, indications of flow directions, and computations; kinds and locations of utilities; areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized or left undisturbed; rights-of-way and easements; and designated septic/percolation fields.

(3) An erosion and sediment control plan showing all measures necessary to meet the objectives of this chapter throughout all phases of construction and permanently after completion of development of the site, including:

A. Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlet details and inspection and clean-out schedules.

B. Location, description and specifications of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types on non-vegetative stabilization measures.

C. Location, description and specifications of all runoff control measures, including diversions, waterways, perimeter controls and outlets.

D. Location, description and specifications of methods to prevent tracking of sediment off-site, including construction entrance details, as appropriate.

E. Description of dust and traffic control measures.

F. Location of stockpiles and description of stabilization measures. Stockpiles left idle for greater than fifteen calendar days shall have erosion and sediment control measures (i.e. temporary cover crop seeded, silt fence on downslope side of stockpile, etc.) implemented.

G. Description of off-site fill or borrow volumes, locations, and methods of stabilization.

H. Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of the maintenance.

I. Identification, including name, address and telephone number, of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is complete.

(4) The proposed sequencing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. The construction sequence shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the Village of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.

These submissions shall be prepared in accordance with the requirements of this chapter and the standards and requirements contained in 1) "Standards and Specifications for Soil Erosion and Sediment Control" (the Yellow book) published by the Illinois Environmental Protection Agency; 2) "Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control" (the Green book), prepared by the Northeastern Illinois Soil Erosion and Sedimentation Control Steering Committee and adopted by the Kane-DuPage Soil and Water Conservation District; 3) the standard specifications for "Road and Bridge Construction," latest edition, prepared by the Illinois Department of Transportation; 4) the "Illinois Urban Manual" (prepared by the United States Department of Agriculture, Natural Resource Conservation Service, 1995); and 5) "Urban Stormwater Best Management Practices for Northeastern Illinois" (prepared by the Northeastern Illinois Planning Commission, 1993).

The Village may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this chapter.

(5) Engineer's opinion of probable cost for stabilization, erosion and sediment control measures and maintenance.

(e) Security. The applicant is required to file with the Village security satisfactory to the Village Attorney in an amount of 120 percent of the costs of improvements, landscaping, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by the Village, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

(f) Review and Approval. Each application for a site development permit shall be reviewed and acted upon according to the following procedures:

(1) The Village will review each application for a site development permit to determine its conformance with the provisions of this chapter. The Village may also refer any application to the Kane-DuPage Soil and Water Conservation District and/or any other local government or public agency within whose jurisdiction the site is located for review and comment. Within sixty days after receiving an application, the Village shall, in writing:

A. Approve the permit application if it is found to be in conformance with the provisions of this chapter, and issue the permit;

B. Approve the permit subject to such reasonable conditions as may be necessary to secure substantially the objectives of this chapter, and issue the permit subject to those conditions; or

C. Disapprove the permit application, indicating the deficiencies and the procedure for submitting the revised application and/or submission.

(2) No site development permit shall be issued for an intended development site unless:

A. The development, including, but not limited to, subdivisions and planned unit developments, has been approved by the Village, where applicable; or

B. Such permit is accompanied by or combined with a valid building permit, and, if applicable, a special use permit as required in the Stream and Wetland Protection Ordinance, issued by the Village; or

C. The proposed earth moving is coordinated with any overall development program previously approved by the Village for the area in which the site is situated; and

D. All relevant State and Federal permits (i.e. for floodplains and wetlands) have been received for the portion of the site subject to soil disturbance.

(3) Failure of the Village to act on the original or revised application within sixty days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the Village and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Village.

(g) Expiration of Permit. Every site development permit shall expire and become null and void if the work authorized by such permit has not been commenced within 180 days, or is not completed by a date which shall be specified in the permit; except that the Village may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant a reasonable extension of time, if written application is made before the expiration of the permit. The Village may require modification of the erosion control plan to prevent any increase in erosion or offsite sediment runoff resulting from any time extension.

(h) Appeals. The applicant, or any person or agency which received notice of the filing of the application, may appeal the decision of the Zoning Enforcement Officer as provided in subsection (f) hereof, to the Zoning Board of Appeals. Upon receipt of an appeal, the Zoning Board of Appeals shall schedule and hold a public hearing, after giving fifteen days notice thereof. The Zoning Board of Appeals shall render a decision within thirty days after the hearing. Factors to be considered on review shall include, but not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainageways; nature and type of soil or rock which, when distributed by the proposed development activities, may create earth movement or produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

(i) Retention of Plans. Plans, specifications and reports for all site developments may be retained in original form or on microfilm by the Village. Plans and permits shall be kept on the development site until completion and final acceptance of the soil and erosion control project.
(Ord. 98-20. Passed 8-17-00.)

1477.06 DESIGN AND OPERATION STANDARDS AND REQUIREMENTS.

(a) Applicability. All clearing, grading, stripping, excavating and filling which is subject to the permit requirements of this chapter shall be subject to the applicable standards and requirements set forth in this section.

(b) Responsibility. The permittee shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the Village or its officers or agents will not be made liable for such damage, by 1) the issuance of a permit under this chapter; 2) compliance with the provisions of that permit or with the conditions attached to it by the Village; 3) failure of Village officials to observe and recognize hazardous or unsightly conditions; 4) failure of Village officials to recommend denial of or to deny a permit; 5) exemptions from the permit requirements of this chapter; or 6) failure of the Village to enforce the provisions of this chapter or of any permit issued by it.

(c) Site Design Requirements.

(1) On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site:

A. For disturbed areas draining less than one acre, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all offsite runoff as specified in referenced handbooks. Vegetated filter strips, with a minimum width of twenty-five feet, may be used as an alternative only where runoff in sheet flow is expected.

B. For disturbed areas draining more than one but less than five acres, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.

C. For disturbed areas draining more than five acres, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area.

D. Sediment traps, barriers and basins shall be constructed and functional prior to initiating other land disturbing activities. Earthen structures such as dams, dikes and diversions must be seeded and mulched within seven days of installation.

E. Sediment basin and sediment trap designs shall provide for both detention storage and sediment storage. The detention storage shall be composed of equal volumes of "wet" detention storage and "dry" detention storage and each shall be sized for the two-year, twenty-four-hour runoff from the site under maximum runoff conditions during construction. The release rate of the basin shall be that rate required to achieve minimum detention times of at least ten hours. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.

F. The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in one year. For construction periods exceeding one year, the one-year sediment load and a sediment removal schedule may be substituted.

(2) Natural drainage patterns or facsimiles are preferred, but where impractical, the following constructed stormwater conveyance rules shall apply: Stormwater conveyance channels, including ditches, swales and diversions, and the outlets of all channels and pipes, shall be designed and constructed to withstand the expected flow velocity from the ten-year frequency storm without erosion. All constructed or modified channels shall be stabilized within forty-eight hours, consistent with the following standards:

A. For grades up to four percent, seeding in combination with mulch, erosion blanket, or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel.

B. For grades of four percent to eight percent, sod or an equivalent control measure shall be applied in the channel.

C. For grades greater than eight percent, rock, riprap, or an equivalent control measure shall be applied, or the grade shall be effectively reduced using drop structures.

(3) Disturbed areas shall be stabilized with temporary or permanent measures within fifteen calendar days following the end of the active disturbance, or redisturbance, consistent with the following criteria:

A. Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or non-vegetative measures.

B. Areas having slopes greater than twelve percent shall be stabilized with sod, erosion mat or blanket in combination with seeding, or equivalent.

(4) Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:

A. Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed on non-erosive material, such as riprap or gravel.

B. The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be stabilized within forty-eight hours after channel disturbance is completed, interrupted or stopped.

C. Whenever channel relocation is necessary, the new channel shall be constructed in a dry area and be fully stabilized before flow is diverted.

(5) Stormwater inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications as referenced in subsection (d) hereof.

(6) Soil storage piles containing more than ten cubic yards of material shall not be located with a downslope drainage length of less than twenty-five feet to a roadway or drainage channel. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.

(7) If de-watering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent.

(8) Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private roadway shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.

(9) The erosion and sediment control plan designer shall certify that the initial installation of erosion and sediment control practices called for in the development plan were installed correctly.

(10) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

(11) All temporary erosion and sediment control measures shall be disposed of within thirty days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

(d) Handbooks Adopted by Reference. The standards and specifications contained in “Standards and Specifications for Soil Erosion and Sediment Control” (the Yellow book) and the “Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control” (the Green book), the standard specifications for “Road and Bridge Construction”, latest edition, prepared by the Illinois Department of Transportation, Illinois Urban Manual (prepared by the United States Department of Agriculture, Natural Resource Conservation Service, 1995) and Urban Stormwater Best Management Practices for Northeastern Illinois (prepared by the Northeastern Illinois Planning Commission, 1993), cited in Section 1477.05, are hereby incorporated into this section and made a part hereof by reference for the purpose of delineating procedures and methods of operation under site development and erosion and sedimentation control plans approved under Section 1477.05. In the event of a conflict between the provisions of said manuals and of this chapter, this chapter shall govern.

(e) Maintenance of Control Measures. All erosion and sediment control measures necessary to meet the requirements of this chapter shall be maintained by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

(f) Inspections. The Village and/or its designated representative shall observe and inform the applicant of deficiencies for that portion of work that fails to comply with the site development plan as approved. Where it is found by observation that conditions are not substantially as stated or shown on said plan, the Village, with concurrence from the Village Engineer, may stop further site work until a revised site development plan conforming to the observed conditions is found to be acceptable to the Village or the site work is modified to concur with the original approved site development plan. Observations by the Village shall be in accordance with the following schedule and the permittee shall notify the Village at least two working days before said observation is to be made:

- (1) Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading;
- (2) After stripping and clearing;
- (3) After rough grading;
- (4) After final grading;
- (5) After seeding and landscaping deadlines; and
- (6) After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permittee shall give notice and request inspection at the completion of each of the above work stages in each phase or area. If an inspection is not made and notification of the results given within five working days after notice is received by the Village from the permittee, the permittee may continue work at the permittee's own risk, without presuming acceptance by the Village. Notification of the results of the inspection shall be given in writing at the site.

(g) Special Precautions.

(1) If, at any stage of the grading of any development site, the Village determines by inspection that the nature of the site is such that further work authorized by the existing permit is likely to imperil any property, public way, stream, lake, wetland or drainage structure, the Village may require, as a condition of allowing the work to continue, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope,

construction of additional drainage facilities, beams, terracing, compaction or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist.

(2) Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the Village may specify the time of starting grading and the 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.

(h) Amendment of Plans. Major amendments of the site development or erosion and sedimentation control plans shall be submitted to the Village and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the Village by written authorization to the permittee. (Ord. 98-20. Passed 8-17-00.)

1477.07 EXCEPTIONS.

The Village Board may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this chapter:

(a) Application for any exception shall be made by a verified petition of the applicant for a site development permit, stating fully the grounds of the petition and the facts relied upon by the applicant. Such petition shall be filed with the site development permit application. In order for the petition to be granted, it shall be necessary that the Village Board find all of the following facts with respect to the land referred to in the petition:

(1) That the land is of such shape or size or is affected by such physical conditions or is subject to such title limitations or record, that it is impossible or impractical for the applicant to comply with all of the requirements of this chapter;

(2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

(3) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.

(b) Each application for an exception shall be referred to the Zoning Enforcement Officer for review. The Zoning Enforcement Officer shall transmit a recommendation to the Village Board, which shall review such recommendations prior to granting or denying the exception.

(c) The Village Board shall hold a public hearing on each application for an exception, within thirty days after receiving the application, in the manner provided for appeals. After the public hearing, the Village Board may approve the site development permit application with the exceptions and conditions it deems necessary or it may disapprove such site development permit application and exception application or it may take such other action as appropriate. (Ord. 98-20. Passed 8-17-00.)

1477.08 STOP-WORK ORDER; REVOCATION OF PERMIT.

(a) In the event any person holding a site development permit pursuant to this chapter violates the terms of the permit, or carries out on-site development in such a manner as to materially adversely affect the health, welfare or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Village may suspend or revoke the site development permit.

(b) Suspension of a permit shall be by written stop-work order issued by the Zoning Enforcement Officer and delivered to the permittee or the permittee's agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next scheduled meeting of the Zoning Board of Appeals, at which the conditions of subsection (c) hereof can be met.

(c) No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee, either personally or by certified mail, and shall state:

(1) The grounds for the complaint or reasons for suspension or revocation, in clear and concise language; and

(2) The time and place where such hearing will be held.

Such notice shall be served on the permittee at least five days prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on the permittee's behalf. At the conclusion of the hearing the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked. (Ord. 98-20. Passed 8-17-00.)

110-I Soil Erosion and Sedimentation Control 1477.99

1477.99 PENALTY.

Whoever constructs, enlarges, alters, repairs or maintains any grading, excavation or fill, or causes the same to be done, contrary to or in violation of any terms of this chapter, shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this chapter is committed, continued, or permitted shall constitute a separate offense. Upon conviction of such violation, such person, partnership or corporation shall be fined in accordance with Section 202.99 of these Codified Ordinances. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this chapter shall be required to restore the site to the condition existing prior to commission of the violation or to bear the expense of such restoration.

(Ord. 98-20. Passed 8-17-00.)

CHAPTER 1478
Stormwater Drainage and Detention

EDITOR'S NOTE: This chapter, previously entitled "Storm Water Runoff Control," and being a codification of Ordinance 79-6, passed May 7, 1979, was repealed in its entirety and re-enacted under its present title by Ordinance 98-17, passed August 3, 1998.

Ordinance 2001-15, passed June 18, 2001 and amended by Ordinance 2001-16, passed June 18, 2001; Ordinance 2002-03, passed January 21, 2002; Ordinance 2002-04, passed January 21, 2002; and Ordinance 2009-01, passed January 20, 2009, adopted the Kane County Stormwater Ordinance.

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| 1478.01 Authority. | 1478.09 Upstream tributary drainage. |
| 1478.02 Purpose; objectives. | 1478.10 Early completion of detention facilities. |
| 1478.03 Definitions. | 1478.11 Fee in lieu of detention. |
| 1478.04 Applicability. | 1478.12 Maintenance responsibility. |
| 1478.05 Drainage plan submittal requirements. | 1478.13 Inspections. |
| 1478.06 Minimization of increases in runoff volumes and rates. | 1478.14 Enforcement; authority of Public Works Department. |
| 1478.07 Water quality and multiple uses. | 1478.15 Appeals. |
| 1478.08 Design criteria, standards and methods. | 1478.16 Water entering storm drain system. |
| | 1478.99 Penalty. |

CROSS REFERENCES

Obstruction of drains - see S.U. & P.S. 1020.04(l)
 Water generally - see S.U. & P.S. Ch. 1040
 Sewers generally - see S.U. & P.S. Ch. 1060
 Sewer rates and charges - see S.U. & P.S. Ch. 1062
 Flood damage prevention - see B. & H. Ch. 1464
 Grading - see B. & H. Ch. 1466
 Lowland Conservancy Overlay District - see B. & H. Ch. 1468
 Drainage in mobile home parks - see B. & H. 1470.12(b)
 Soil erosion and sedimentation control - see B. & H. Ch. 1477

1478.01 AUTHORITY.

This chapter is enacted pursuant to the police powers granted to the Village of Elburn by 65 ILCS 5/11-12-5, 11-12-6 and 11-12-12; 65 ILCS 5/11-13-1; 65 ILCS 5/11-14-1; 65 ILCS 5/11-30-2 and 11-30-8; 65 ILCS 5/11-105-1; 65 ILCS 5/11-106-1 and 11-110-11.
 (Ord. 98-17. Passed 8-3-98.)

1478.02 PURPOSE; OBJECTIVES.

(a) The purpose of this chapter is to diminish threats to public health, safety and welfare caused by runoff of excessive stormwater from new development and redevelopment. This excessive stormwater could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources. The cause of increases in stormwater runoff quantity and rate and impairment of quality is the development and improvement of land and as such this chapter regulates these activities to prevent adverse impacts.

(b) This chapter is adopted to accomplish the following objectives:

- (1) To assure that new development does not increase the drainage of flood hazards to others, or create unstable conditions susceptible to erosion;
- (2) To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff;
- (3) To protect human life and health from the hazards of increased flooding on a watershed basis;
- (4) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, correction of channel erosion problems, and flood rescue and relief operations caused by increased stormwater runoff quantities from new development;
- (5) To protect, conserve and promote the orderly development of land and water resources;
- (6) To preserve the natural hydrologic and hydraulic functions of watercourses and floodplains and to protect water quality and aquatic habitats; and
- (7) To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(Ord. 98-17. Passed 8-3-98.)

1478.03 DEFINITIONS.

As used in this chapter, the following words and terms shall be defined as follows:

- (1) Adverse Impacts: Any deleterious impact on water resources or wetlands affecting their beneficial uses, including recreation, aesthetics, aquatic habitat, quality and quantity.
- (2) Armoring: A form of channel modification which involves the placement of materials (concrete, riprap, bulkheads, etc.) within a stream channel or along a shoreline to protect property above streams, lakes and ponds from erosion and wave damage caused by wave action and stream flow.

(3) Applicant: Any person, firm, or governmental agency who executes the necessary forms to procure official approval of a development or permit to carry out construction of a development from the Village of Elburn.

(4) Base Flood Elevation: The elevations at all locations delineating the level of flooding resulting from the 100-year frequency flood event.

(5) Bulkhead: A retaining wall that protects property along water.

(6) Bypass Flows: Stormwater runoff from upstream properties tributary to a property's drainage system but not under its control.

(7) 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 bank or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

(8) Channel Modifications: Alteration of a channel by changing the physical dimensions or material 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 rooted vegetation. Channel modification does not include the clearing of debris or removal of trash.

(9) Compensatory Storage: An artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when fill or structures are placed within the floodplain.

(10) Conduit: Any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

(11) Control Structure: A structure designed to control the rate of stormwater runoff that passes through the structure, given a specific upstream and downstream water surface elevation.

(12) Depressional Area: Any area which is lower in elevation on all sides than surrounding properties (i.e. does not drain freely), or whose drainage is severely limited such as by a restrictive culvert. A depressional area will fill with water on occasion when runoff into it exceeds the rate of infiltration into underlying soil or exceeds the discharge through its controlled outlet. Large depressional areas may provide significant stormwater or floodplain storage.

(13) Detention Basin: A facility constructed or modified to provide for the temporary storage of stormwater runoff and the controlled release by gravity of this runoff at a prescribed rate during and after a flood or storm.

(14) Detention Time : The mean residence time of stormwater in a detention basin.

(15) Development: Any man-made change to real estate, including:

A. Preparation of a plat of subdivision;

B. Construction, reconstruction or placement of a building or any addition to a building;

C. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days;

D. Construction of roads, bridges, or similar projects;

E. Redevelopment of a site;

F. Filling, dredging, grading, clearing, excavating, paving, or other non-agricultural alterations of the ground surface;

G. Storage of materials or deposit of solid or liquid waste; and

H. Any other activity that might alter the magnitude, frequency, deviation, direction, or velocity of stormwater flows from a property.

(16) Drainage Plan: A plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, as well as the drainage system and environmental features which are proposed after development of a property.

(17) Dry Basin: A detention basin designed to drain completely after temporary storage of stormwater flows and to normally be dry over the majority of its bottom area.

(18) Erosion: The general process whereby earth is removed by flowing water or wave action.

(19) 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.

(20) Filtered View: The maintenance or establishment of woody vegetation of sufficient density to screen developments from a stream or wetland, to provide for streambank stabilization and erosion control, to serve as an aid to infiltration of surface runoff, and to provide cover to shade the water. The vegetation need not be so dense as to completely block the view. Filtered view means no clear cutting.

(21) Flood Fringe: That portion of the floodplain outside of the regulatory floodway.

(22) Floodplain: That land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. The floodplain is also known as the Special Flood Hazard Area (SFHA).

(23) Floodway: The channel and that portion of the floodplain adjacent to a stream or watercourse which is needed to store and convey the anticipated existing and future 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to any loss of flood conveyance or storage and no more than a ten percent increase in velocities.

(24) **Hydraulic Characteristics:** The features of a watercourse which determine its water conveyance capacity. These features include, but are not limited to: size and configuration of the cross-section of the watercourse and floodway; texture and roughness of materials along the watercourse; alignment of watercourse; gradient of watercourse; amount and type of vegetation within the watercourse; and size, configuration and other characteristics of structures within the watercourse. In low-lying areas the characteristics of the overbank area also determine water conveyance capacity.

(25) **Hydrograph:** A graph showing, for a given location on a stream or conduit, the flow rate with respect to time.

(26) **Infiltration:** The passage or movement of water into the soil surfaces.

(27) **Lake or Pond:** Any inland water body fed by spring or surface water flow.

(28) **Lot:** An area of land, with defined boundaries, that is designated in official assessor's records as being one parcel.

(29) **Lowland Conservancy District:** All lots within wetlands and streams, and all lots lying wholly or in part: (a) within the Special Flood Hazard Area (SFHA) designated by FEMA; or (b) within 100 feet of the ordinary high water mark (OHWM) of a perennial stream or intermittent stream, or the ordinary high-water mark of a lake or pond; or (c) within depressional areas serving as floodplain or storm water storage areas, as designated on the Lowland Conservancy District Map.

(30) **Major Drainage System:** That portion of a drainage system needed to store and convey flows beyond the capacity of a minor drainage system.

(31) **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, where manmade, is usually designed to handle the ten-year runoff event or less.

(32) **Mitigation:** Mitigation includes those measures necessary to minimize the negative effects which stormwater drainage and development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration.

(33) **Native Vegetation:** Native plants can be defined as those species that were part of the pre-settlement landscape of Kane County, as opposed to other species that, though naturalized here and are part of the extant flora, are adventive from other regions of the continent and/or globe. To identify those plants native to Kane County, refer to Plants of the Chicago Region (Swink & Wilhelm, 1994).

(34) **Natural Conditions:** Conditions resulting from physical, chemical, and biological processes without intervention by man.

(35) **One Hundred-Year Event:** A rainfall, runoff, or flood event having a one percent chance of occurring in any given year.

(36) Ordinary High-Water Mark (OHWM): The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

(37) Positive Drainage: Provision for overland paths for all areas of a property, including depressional areas, that may also be drained by storm sewer.

(38) Peak Flow: The maximum rate of flow of water at a given point in a channel or conduit.

(39) Property: A parcel of real estate.

(40) Qualified Professional: A person trained in one or more of the disciplines of biology, geology, soil science, engineering or hydrology whose training and experience ensure a competent analysis and assessment of a stream, lake, pond and wetland conditions and impact.

(41) Registered Engineer: A professional engineer registered under the provisions of "The Illinois Professional Engineering Act" and any act amendatory thereof.

(42) Regulatory Floodway: The channel, including on-stream lakes, and that portion of the flood plain adjacent to a stream or watercourse as designated by the IDWR, which is needed to store and convey the existing and anticipated future 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 ten percent increase in velocities. The regulatory floodways are designated for Blackberry Creek and Welch Creek on the Flood Boundary and Floodway Map prepared by FEMA dated March 1, 1982, with Blackberry Creek most recently revised on the NRCS Floodplain Management Study dated June 1, 1989. The regulatory floodways or those parts of unincorporated Kane County that are within the extraterritorial jurisdiction of the Village that may be annexed into the Village are designated for Blackberry Creek, Welch Creek, and Virgil Ditch No. 1 on the Flood Boundary and Floodway Map prepared by FEMA and dated March 1, 1982 (Panels 170896-0130 and 0125). To locate the regulatory floodway boundary on any site, the regulatory floodway boundary should be scaled off the regulatory 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 regulatory floodway boundary, the IDWR should be contacted for the interpretation.

(43) Remnant Landscape: Any landscape in which the native Floristic Quality Index (FQI), as explained in Plants of the Chicago Region (Swink & Wilhelm, 1996), is greater than thirty or the native mean C value is greater than 3.2.

(44) Retention Basin: A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

(45) Runoff: The portion of precipitation on the land that is not absorbed by the soil or plant material and which runs off the land.

(46) Sedimentation: The process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

(47) Setback: The horizontal distance between any portion of a structure or any development activity and the ordinary high-water mark of a perennial or intermittent stream, the ordinary high-water mark of a lake or pond, or the edge of a wetland, measured from the structure's or development's closest point to the ordinary high-water mark, or edge.

(48) Sediment Forebay: A separate cell design element required for wet detention basins. A sediment forebay serves to reduce the velocity of incoming water and to trap sediments before they enter the detention basin. The sediment forebay should be a separate cell, which can be formed by an earth berm or gabions. The size of the forebay should consist of at least ten percent of the total detention volume required for the detention basin (with a minimum of 0.1 watershed inches), and should be four to six feet deep with side slopes and a safety ledge meeting requirements set forth in Section 1478.09(1). Direct maintenance access to the forebay must be provided.

(49) Storm Sewer: A closed conduit for conveying collected stormwater.

(50) 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. The stormwater drainage system includes, but is not limited to, any of the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins, swales and pumping stations.

(51) Stormwater Runoff: The waters 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.

(52) Stream: A body of running water flowing continuously or intermittently in a channel on or below the surface of the ground. Seven and one-half minute topographic maps of the U.S. Geological Survey are one reference for identifying perennial and intermittent streams. For purposes of this chapter, the term "stream" does not include storm sewers.

(53) Structure: Anything that is constructed, erected or moved to or from any premises which is located above, on or below the ground, including, but not limited to, tents, campers, trailers and recreational vehicles, which are not considered structures when used less than 180 days per year and located landward of the minimum setback provided as a natural vegetation strip.

(54) 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.

(55) Tributary Watershed: All of the land surface area that contributes runoff to a given point.

(56) Two-Year Event: A runoff, rainfall, or flood event having a fifty percent chance of occurring in any given year.

(57) Vegetation: All plant growth, especially trees, shrubs, mosses and grasses.

(58) Watercourse: Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, slough, gulch, draw, ditch, channel, conduit, culvert, swale, grass waterway, gully, ravine, wash, or natural or man-made drainageway, which has a definite channel, bed and banks, in or into which stormwater runoff and floodwater flow either regularly or intermittently.

(59) Wet Basin: A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

(60) Wetland: Those transitional lands between terrestrial and aquatic system where the water table is usually at or near the surface or the land is covered by shallow water. Classification of areas as wetlands shall follow the "Classification of Wetlands and Deepwater Habitats of the United States" as published by the U.S. Fish and Wildlife Service (FWS/OBS-79/31).

(Ord. 98-17. Passed 8-3-98.)

1478.04 APPLICABILITY.

This chapter shall apply to all development in the Village of Elburn.
(Ord. 98-17. Passed 8-3-98.)

1478.05 DRAINAGE PLAN SUBMITTAL REQUIREMENTS.

Each applicant shall submit the following information, depending on development size, to ensure that the provisions of this chapter are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse direct and indirect impacts of the development on water resources both on-site and downstream, and the effectiveness of the proposed drainage plan. The following information shall be submitted for both existing and proposed property conditions: Properties smaller than ten acres shall submit only the Basic Drainage Plan called for in subsection (a) hereof. Properties larger than ten acres shall comply with the submittal requirements of both the Basic Drainage Plan and the Advanced Drainage Plan of subsection (b) hereof.

(a) Basic Drainage Plan.

(1) Topographic map. A topographic survey of the property at one-foot contours under existing and proposed conditions, and areas upstream and downstream, necessary to determine off-site impacts of the proposed drainage plan, shall be required. The map shall be keyed to a consistent datum specified by the Village.

(2) Drainage system. Mapping and descriptions, where relevant, of existing and proposed drainage system features of the property and immediate vicinity, shall be required, including:

- A. The banks and centerline of streams and channels;
- B. Shoreline of lakes, ponds and detention basins;
- C. Farm drains and tiles;
- D. Sub-watershed boundaries within the property;
- E. Watershed soils classification;
- F. The property's location within the larger watershed;
- G. Location, size and slope of stormwater conduits and drainage swails;
- H. Sanitary or combined sewers;
- I. Depressional storage areas;
- J. Delineation of upstream and downstream drainage features and watersheds which might be affected by the development;
- K. Detention facilities;
- L. Roads and streets and associated stormwater inlets;
- M. Base flood elevation, and regulatory floodway where identified for the property; and
- N. Basis of design for the final drainage network components.

(3) Environmental features. A depiction of environmental features of the property and immediate vicinity shall be required, including the following:

- A. The boundary of the Lowland Conservancy District, including the limits of wetland areas;
- B. Any designated natural areas;
- C. Any remnant landscape; and
- D. Any proposed environmental mitigation features.

(b) Advanced Drainage Plan. The same information as required in subsection (a) hereof is required for properties larger than ten 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 100-year flooding;
- (2) Cross-section data for open channel flow paths and designated flow paths;
- (3) Direction of storm flows;
- (4) Flow rates and velocities at representative points in the drainage system; and
- (5) A statement by the design engineer of the drainage system's provisions for handling events greater than the 100-year runoff.

(Ord. 98-17. Passed 8-3-98.)

1478.06 MINIMIZATION OF INCREASES IN RUNOFF VOLUMES AND RATES.

In the selection of a drainage plan for a development, the applicant shall evaluate and implement, where practicable, site design features which minimize the increase in runoff volumes and rates from the site. The applicant's drainage plan submittal shall include evaluations of site design features which are consistent with the following hierarchy:

- (a) Minimize impervious surfaces on the property, consistent with the needs of the project;
 - (b) Attenuate flows by use of open vegetated swales and natural depressions and preserve existing natural stream channels;
 - (c) Infiltrate runoff on-site;
 - (d) Provide stormwater retention structures;
 - (e) Provide stormwater detention structures; and
 - (f) Construct storm sewers.
- (Ord. 98-17. Passed 8-3-98.)

1478.07 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. Retention and infiltration of stormwater runoff 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 where practicable. 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.

(Ord. 98-17. Passed 8-3-98.)

1478.08 DESIGN CRITERIA, STANDARDS AND METHODS.

(a) Release Rates; Detention Basin Outlet Design. The drainage system for a property shall be designed to control the peak rate of discharge from the property for the two-year, twenty-four hour and 100-year, twenty-four 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 two-year event shall not be greater than 0.04 cfs per acre of property drained. The peak 100-year discharge shall not be greater than 0.10 cfs per acre of property drained.

Backwater on the outlet structure from the downstream drainage system shall be evaluated when designing the outlet.

(b) **Detention Storage Requirements.** The design maximum storage to be provided in a detention basin shall be based on the runoff from the 100-year, twenty-four hour event and reservoir (also called modified plus or level pool) routing or equal. Detention storage shall be computed using hydrograph methods as described in this section.

(c) **Drainage System Design and Evaluation.** The following criteria should be used in evaluating and designing the drainage system. The underlying objective is to provide capacity to pass the ten-year peak flow in the minor drainage system and an overload flow path for flows in excess of the design capacity.

(1) **Design methodologies.** Major and minor conveyance systems for areas up to ten acres may be designed using the rational formula. The rational formula may also be used in sizing the minor drainage system for larger sites. Runoff hydrograph methods as described in subsection (d) hereof must be used for major drainage system design for all systems with greater than ten acres of drainage area and for the design of all detention basins.

(2) **Positive drainage.** Whenever practicable, all areas of the property must be provided an overland flow path that will pass the 100-year flow at a stage at least one-foot below the lowest foundation grade in the vicinity of the flow path. Overland flow paths designed to handle flows in excess of the minor drainage system capacity shall be provided drainage easements. Street ponding and flow depths shall not exceed curb heights by more than one inch.

(d) **Methods for Generating Runoff Hydrographs.** Runoff hydrographs shall be developed incorporating the following assumptions of rainfall amounts and antecedent moisture:

(1) **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's Bulletin 70, 100-year, twenty-four hour rainfall amount of 7.6 inches; two-year, twenty-four hour rainfall amount of 3.1 inches. The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations less than or equal to twelve hours. The third quartile point rainfall distribution shall be used for the design and analysis of detention basins and conveyance systems with critical durations greater than twelve and less than or equal to twenty-four hours. The fourth quartile distribution shall be used in the design and analysis of systems with durations greater than twenty-four hours. The first, third and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 70. The SCS Type II distribution may be used as an alternative to the Huff distributions.

(2) Antecedent moisture. Computations of runoff hydrographs which do not rely on a continuous accounting of antecedent moisture conditions shall assume a conservative wet antecedent moisture condition as a minimum.

(e) Wet Detention Basin Design. Wet detention basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing, and as much as feasible to be available for recreational use.

(1) Wet basin depth. Wet basins shall be at least three feet deep with a minimum length to width ratio of 2:1 or 3:1, excluding nearshore banks and safety ledges. If fish habitat is to be provided, they shall be at least ten feet deep over twenty-five percent of the bottom area to prevent winter freeze-out.

(2) Wet basin shoreline slopes. The side slopes of wet basins at the normal pool elevation shall not be steeper than five to one (horizontal to vertical). Appropriate native aquatic vegetation shall be planted around the perimeter of the wet basin and the side slopes of the wet basin shall be planted with native wet/mesic to mesic prairie vegetation. A twenty-five foot native prairie buffer shall be planted at the top of the slope of the basin to provide filtration to any overland inflows.

(3) 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 two-year event.

(4) Inlet and outlet orientation. To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, they shall be at opposite ends of the basin.

(5) Sediment forebays. Sediment forebays shall be incorporated into the wet basin design.

(f) Dry Detention Basin Design. In addition to the other requirements of this chapter, dry basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing and as much as possible to be available for multiple uses. The design of the basin will be based upon its intended use or uses and different slope and under-drainage criteria will be required for basins dedicated towards mown turf grass versus natural vegetation.

(1) Dry basin drainage. Dry basins designed for active use with mown turf shall be designed with a minimum length to width ratio of 2:1 or 3:1 and eighty percent of their bottom area shall have standing water no longer than seventy-two hours for any runoff event less than the 100-year event. Under-drains directed to the outlet control shall be used if necessary to accomplish this requirement. The side slope of the dry basin shall not be steeper than 4:1 (horizontal to vertical).

(2) Velocity dissipation. Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize the resuspension of pollutants.

(3) Inlet and outlet orientation. To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, they shall be at opposite ends of the basin.

(4) Planting of native vegetation. Dry basins or portions thereof not designed for active use with mown turf grass shall be planted with appropriate native vegetation, shall be planted within the dry basin and side slopes, and a twenty-five foot native prairie buffer surrounding the basin shall be planted.

(g) Minimum Detention Outlet Size. Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of four inches. If this minimum orifice size permits release rates greater than those specified in this section, and regional detention is not a practical alternative, alternative outlet designs shall be utilized which incorporate self-cleaning flow restrictors (e.g. perforated risers or a means of cleaning the flow restriction, e.g. drilled shear gate with lifting handle extended to near grade).

(h) Detention in Floodplains. The placement of detention basins within the flood plain is strongly discouraged because of questions about their reliable operation during flood events. However, the stormwater detention requirements of this chapter may be fulfilled by providing detention storage within flood fringe areas on the project site, provided the following provisions are met:

(1) Detention in flood fringe areas. 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 this section. The applicant shall demonstrate its operation for all stream flow and floodplain backwater conditions. Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention. All floodplain storage lost above the ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse.

(2) Detention in floodways. Detention basins shall be placed in the floodway only in accordance with paragraph (h)(3) hereof.

(3) On-stream detention. On-stream detention basins in stream channels draining more than one square mile are prohibited unless demonstrated that they provide significant regional public benefits and if they meet all applicable Federal, State, and County statutes, regulations and

ordinances and the other provisions of this chapter with respect to water quality and control of the two-year and 100-year, twenty-four-hour events from the property. Further criteria are presented in Section 1478.09. If on-stream detention is used for watersheds larger than one square mile, it is recommended that the applicant use dynamic modeling to demonstrate that the design will not increase flood stages for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:

- A. 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,
- B. Shall not cause or contribute to the degradation of water quality or stream aquatic habitat,
- C. Shall include a design calling for gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin,
- D. Shall not involve any stream channelization or the filling of wetlands,
- E. Shall require the implementation of an effective non-point source management program throughout the upstream watershed,
- F. Shall not occur downstream of a wastewater discharge, and
- G. Shall comply with 92 Illinois Administrative Code Parts 702 and 708 and the floodplain ordinance of the Village of Elburn.

(i) Drainage into Wetlands. Wetlands shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this chapter, the following requirements shall be met for all developments whose drainage flows into wetlands:

(1) Detention in degraded wetlands. It is not recommended to use any existing, including degraded, wetlands for the purposes of stormwater detention unless it is demonstrated that the existing wetland is of low quality with limited vegetative diversity, does not support conservative plant species (any native plant rated greater than five in Plants of the Chicago Region), and does not provide any beneficial functions. It must also be demonstrated that the proposed modification will maintain or improve the wetland habitat and be able to perform beneficial functions, and the appropriate governmental approvals must be obtained. Also, usage of existing degraded wetlands as part of stormwater management plans shall be done in accordance with the Village of Elburn's Stream and Wetland Protection Ordinance, and must demonstrate the improved quality of the wetland habitat via annual monitoring and reporting for a period of no less than three

years following completion of its development. Existing depressional storage in wetlands shall be maintained and the volume of detention storage provided to meet the requirements of this section shall be in addition to existing storage.

(2) Sediment control. The existing wetland shall be protected during construction by appropriate soil erosion and sediment control measures following the Village of Elburn's Soil Erosion and Sediment Control Ordinance, and shall not be filled.

(3) Alteration of drainage patterns. Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to the wetland.

(4) Detention/sedimentation. All runoff from the development shall be routed through a preliminary detention/sedimentation basin designed to capture the two-year, twenty-four-hour event and hold it for at least twenty-four hours before being discharged to the wetland. This basin shall be constructed before property grading begins. In addition, the drainage hierarchy defined in Section 1478.06 should be followed to minimize runoff volumes and rates being discharged to the wetland.

(5) Vegetated buffer strip. Any property subject to the Lowland Conservancy District as set forth in this and the Village of Elburn Stream and Wetland Protection Ordinance shall maintain a buffer strip of at least fifty feet in width, vegetated with native plant species, and shall be maintained or restored around the periphery of the wetland.

(j) Street, Parking Lot, and Culvert Drainage.

(1) Streets. If streets are to be used as part of the minor or major drainage system, ponding depths shall not exceed curb heights by more than one inch and shall not remain flooded for more than eight hours for any event less than or equal to the 100-year event.

(2) Parking lots. The maximum stormwater ponding depth in any parking area shall not exceed six inches for more than four hours.

(3) Culvert road and driveway crossings. Sizing of culvert crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert.

(k) Infiltration Practices. To effectively reduce runoff volumes, infiltration practices, including basins, trenches and porous pavement, should be located on soils in hydrologic soil groups "A" or "B" as designated by the U.S. Soil Conservation Service. Infiltration basins and trenches designed to recharge groundwater shall not be located within seventy-five 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 hours over eighty percent of a dry basin's bottom area for the maximum design event to be ex-filtrated. The bottom of infiltration facilities shall be a minimum of four feet above seasonally high groundwater and bedrock.

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

(1) Side slopes. The side slopes of all detention basins of a one-hundred year capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Side slopes of detention basins and open channels shall not be steeper than four to one (horizontal to vertical).

(2) Safety ledge. All wet detention basins shall have a level safety ledge at least four feet in width 2.5 feet below the normal water depth.

(3) Velocity. Velocities throughout the surface drainage system shall be controlled to safe levels, taking into consideration rates and depths of flow.

(4) Overflow structures. All stormwater detention basins shall be provided with an overflow structure capable of safely passing excess flows at a stage at least one foot below the lowest foundation grade in the vicinity of the detention basin. The design flow rate of the overflow structure shall be equivalent to the 100-year inflow rate.

(m) Maintenance Considerations. The stormwater drainage system shall be designed to minimize and facilitate maintenance. Vegetated side slopes shall be designed to allow lawn mowing equipment to easily negotiate them. Wet basins shall be provided with alternate outflows which can be used to completely drain the pool for sediment removal. (Pumping may be considered if drainage by gravity is not feasible.) Pre-sedimentation basins shall be included, where feasible, for localizing sediment deposits and removal. Access for heavy equipment shall be provided.

ò (n) Wet Detention Basin

~~ ò Wet basins shall be at least three feet deep with a minimum length to ~g. width ratio of 2:1 or 3:1, excluding near shore banks and safety ledges. If fish habitat is to be provided they shall be at least ten feet deep over twenty-five percent of the bottom area to prevent winter freeze-out.

ò Wet Basin Shoreline Slopes: The side slopes of wet basins at the normal pool elevation shall not be steeper than 5:1 (horizontal to vertical). Appropriate rip-rap or native aquatic vegetation shall be planted around the perimeter of the wet basin and the side slopes of the wet basin shall be planted with native wet/mesic to mesic prairie vegetation. A 25-foot native prairie buffer shall be planted at the top of the slope of the basin to provide filtration to any overland inflows.

ò (o) Dry Detention Basin

ò Dry basins designed for active use with a mown turf shall be designed with a minimum length to width ratio of 2:1 or 3:1. All dry basins shall be provided with retention in accordance with paragraph (g) (1) of Kane County Storm water Ordinance. Under drains directed to the outlet

control shall be used if necessary to drain the field. The side slope of the dry basin shall not be steeper than 4:1 (horizontal to vertical).

ò Velocity Dissipation: Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize the re-suspension of pollutants.

ò Planting of Native Vegetation: Dry basins or portions thereof not designed for active use with mown turf grass shall be planted with appropriate native vegetation shall be planted within the dry basin and side slopes, and a 25 foot native prairie buffer surrounding the basin shall be planted.

(p) Safety Considerations

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

ò Side slopes: The side slopes of all detention basins of a one-hundred year capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Side slopes of detention basins and open channels shall not be steeper than four to one (horizontal to vertical).

ò Safety Ledge: All wet detention basins shall have a level safety ledge at least 4 feet in width 2.5 feet below the normal water depth.

(Ord. 98-17. Passed 8-3-98.)

1478.09 UPSTREAM TRIBUTARY DRAINAGE.

(a) Accommodating Flows From Upstream Tributary Areas. Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system. Whenever practicable, flows from upstream areas that are not to be detained should be routed around the basin being provided for the site being developed.

(b) **Upstream Areas Not Meeting Ordinance Requirements.** When there are areas not meeting the storage and release rates of this chapter, 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 or her property using the release rates of Section 1478.07, the applicant's property area, and the procedures described in Section 1478.08.

(2) Areas tributary to the applicant's property, not meeting the storage and release rate requirements of this chapter, shall be identified.

(3) Using the areas determined in paragraph (b)(2) hereof plus the applicant's property area, total storage needed for the combined properties shall be computed.

Allowable release rates shall be computed using the combined property areas. Storage shall be computed as described in Section 1478.08. If tributary areas are not developed, a reasonable fully developed land cover, based on local zoning, shall be assumed for the purposes of computing storage.

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 or her property as computed in paragraph (b)(1) hereof. If regional storage is selected by the Village, then the design produced in paragraph (b)(3) hereof shall be implemented. If regional storage is rejected by the Village, the applicant shall bypass all tributary area flows around the applicant's basin whenever practicable. If the applicant must route upstream flows through their basin and the upstream areas exceed one square mile in size, the applicant must meet the provisions of Section 1478.08(h)(3) for on-stream basins.

(c) **Upstream Areas Meeting Ordinance Requirements.** When there are areas which meet the storage and release rate requirements of this chapter, tributary to the applicant's property, the upstream flows shall be bypassed around the applicant's detention basin, or be routed through the applicant's detention basin if this is the only practicable alternative. Storage needed for the applicant's property shall still be computed as described in paragraph (b)(1) hereof. 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. It must be shown that at no time will the runoff rate from the applicant's property exceed the allowable release rate for his or her property alone.

(Ord. 98-17. Passed 8-3-98.)

1478.10 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 constructed as the first element of the initial earthwork program. Any eroded sediment captured in these facilities shall be removed by the applicant before project completion in order to maintain the design volume of the facilities. (Ord. 98-17. Passed 8-3-98.)

1478.11 FEE IN LIEU OF DETENTION.

(a) All single-family residential developments under five acres in size and all other development under one acre in size shall pay a fee of forty-five thousand dollars (\$45,000) for each acre-foot of detention which would be required under this chapter rather than installing detention facilities on the property, unless specifically directed to do otherwise by the Village Administrator. The Village of Elburn also shall have the option for larger properties of requiring a fee of forty-five thousand dollars (\$45,000) for each acre-foot of detention needed 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 for adjacent properties to utilize a common regional detention basin. Applicants shall have the option of paying a fee of forty-five thousand dollars (\$45,000) for each acre-foot of detention required so that the Village of Elburn can build regional facilities or they can jointly build the necessary facilities themselves. (Ord. 98-17. Passed 8-3-98.)

1478.12 MAINTENANCE RESPONSIBILITY.

(a) Maintenance of stormwater drainage facilities located on private property shall be the responsibility of the owner of that property. Before a building permit is obtained from the Village of Elburn, the applicant shall execute a maintenance agreement with the Village of Elburn 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 and maintenance of the drainage system. Such agreement shall be recorded with the Recorder of Deeds of Kane County. The maintenance agreement shall include a schedule for regular 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 of Elburn. The maintenance agreement shall also stipulate that if the Village of Elburn notifies the property owner in writing of maintenance problems which require correction, the property owner shall make such corrections within thirty 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.

(b) The Village of Elburn has the option of requiring a bond to be filed by the property owner for maintenance of the stormwater drainage system.
(Ord. 98-17. Passed 8-3-98.)

1478.13 INSPECTIONS.

(a) Inspections During Construction. General site grading shall not begin until the Village Engineer has certified in writing to the applicant that any necessary detention facilities are in place and operational. The Village Engineer or his or her representative will also conduct periodic inspections of the work in progress to be certain that the drainage system is being built as designed. If any violations of the provisions or requirements of this chapter are noted during such inspections, the Village shall notify the property owner in writing of the items needing correction. The property owner shall have ten calendar days to make such corrections unless given a specific extension of time in writing by the Village.

Failure to complete such corrections within the specified time period shall constitute a violation of this chapter.

(b) Final Inspection. Upon notification by the applicant that the drainage system is completed, the Village Engineer or his or her representative shall conduct a final inspection. If the drainage system is found to contain deficiencies which require correction the Village Engineer or his or her representative shall notify the property owner of the necessary corrections. The property owner shall correct such deficiencies within ten calendar days unless given a specific extension of time in writing by the Village. Failure to make necessary corrections within the specified time period shall constitute a violation of this chapter. Upon finding that the drainage system meets the provisions and requirements of this chapter, the Village shall issue in writing a notice of drainage system completion to the property owner.

(c) Routine Inspections. All privately owned drainage systems shall be periodically inspected by representatives of the Village, but not less than every two years. 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.
(Ord. 98-17. Passed 8-3-98.)

1478.14 ENFORCEMENT; AUTHORITY OF PUBLIC WORKS DEPARTMENT.

The administration and enforcement of this chapter shall be the responsibility of the Public Works Department of the Village of Elburn.
(Ord. 98-17. Passed 8-3-98.)

1478.15 APPEALS.

All appeals of the Director of Public Work's decisions regarding the interpretation of this chapter shall be heard by the Zoning Enforcement Officer to the Zoning Board of Appeals. The decision of the Zoning Board of Appeals shall be final. (Ord. 98-17. Passed 8-3-98.)

1478.16 WATER ENTERING STORM DRAIN SYSTEM.

(a) Purpose/Intent. The purpose of this section is to provide for the health, safety, and general welfare of the citizens of Village through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this section are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this section.

(b) Definitions. For the purposes of this section, the following shall mean:

- (1) Authorized Enforcement Agency: Employees or designees of the Village designated to enforce this section, including Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency.
- (2) Best management practices (BMPs): Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. "BMPs" also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (3) Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- (4) Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- (5) Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to

- human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (6) **Illegal Discharge:** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in division (g) of this section.
 - (7) **Illicit Connections:** An illicit connection is defined as either of the following:
 - A. Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances that allow any non-storm water discharge, including sewage, process wastewater, and wash water to enter the storm drain system, and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
 - B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
 - (8) **Industrial Activity:** Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).
 - (9) **Municipal Separate Storm Sewer System (MS4):** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Village and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.
 - (10) **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:** A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
 - (11) **Non-Storm Water Discharge:** Any discharge to the storm drain system that is not composed entirely of storm water.
 - (12) **Person:** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
 - (13) **Pollutant:** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and

- fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- (14) Premises: Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.
 - (15) Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
 - (16) Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
 - (17) Storm Water Management Plan: A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.
 - (18) Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

(c) Applicability. This section shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Village, or authorized enforcement agency.

(d) Responsibility for Administration. The Village shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

(e) Compatibility with Other Regulations. This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(f) Ultimate Responsibility. The standards set forth herein and promulgated pursuant to this section are minimum standards; therefore this section does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

(g) Discharge Prohibitions.

(1) Prohibition of illegal discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- A. The following discharges are exempt from discharge prohibitions established by this section: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
- B. Discharges or flow from fire fighting, and other discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- C. Discharges associated with dye testing. However this activity requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- D. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (USEPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(2) Prohibition of illicit connections.

- A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- C. A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- D. Improper connections in violation of this section must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the authorized enforcement agency.
- E. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the authorized enforcement agency requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the authorized enforcement agency.

(h) Watercourse Protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(i) Industrial or Construction Activity Discharges.

- (1) Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Village prior to the allowing of discharges to the MS4.
- (2) The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent (NOI) to the Village at the same time the operator submits the original Notice of Intent to the EPA as applicable.
- (3) The copy of the Notice of Intent may be delivered to the Village either in person or by mailing it to:

Notice of Intent to Discharge Storm Water
Village of Elburn
301 E. North Street
Elburn, IL 60119

- (4) A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the Notice of Intent to do so to the Village.
- (j) Compliance Monitoring.
- (1) Right of entry: inspection and sampling. The Village shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section.
- A. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Village or authorized enforcement agency.
- B. Facility operators shall allow the Village or authorized enforcement agency ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- C. The Village or other authorized enforcement agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
- D. The Village or authorized enforcement agency has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- E. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Village or other authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- F. Unreasonable delays in allowing the Village or other authorized enforcement agency access to a permitted facility is a violation of a storm water discharge permit and of this section. A person who is the operator of a facility with an NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Village or other authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.

- (2) Search warrants. If the Village or other authorized enforcement agency has been refused access to any part of the premises from which storm water is discharged, and he or she is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Village or other authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

(k) Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices. The Village or other authorized enforcement agency will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

(l) Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Village or authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Village or authorized enforcement agency within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the

owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five years. Failure to provide notification of a release as provided above is a violation of this section.

(m) Violations, Enforcement, and Penalties.

- (1) Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. Any person who has violated or continues to violate the provisions of this section, may be subject to the enforcement actions outlined in this section, or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Village or authorized enforcement agency is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Village or authorized enforcement agency is authorized to seek costs of the abatement as outlined in division (p) of this section.

- (2) Warning notice. When the Village or other authorized enforcement agency finds that any person has violated, or continues to violate, any provision of this section, or any order issued hereunder, the Village or authorized enforcement agency may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the Village or other authorized enforcement agency to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

(3) Notice of violation.

A. Whenever the Village or authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this section, the Village or authorized enforcement agency may order compliance by written notice of violation to the responsible person.

B. The Notice of Violation shall contain:

1. The name and address of the alleged violator;
2. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;

3. A statement specifying the nature of the violation;
 4. A description of the remedial measures necessary to restore compliance with this section and a time schedule for the completion of such remedial action;
 5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 6. A statement that the determination of violation may be appealed to the Village Board of Trustees, or the authorized enforcement agency by filing a written notice of appeal within seven days of service of notice of violation; and
 7. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- C. Such notice may require without limitation:
1. The performance of monitoring, analysis, and reporting;
 2. The elimination of illicit connections or discharges;
 3. That violating discharges, practices, or operations shall cease and desist;
 4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 5. Payment of a fine to cover administrative and remediation costs; and
 6. The implementation of source control or treatment BMPs.
- (4) Compensatory action. In lieu of enforcement proceedings, penalties, and remedies authorized by this section, the Village or authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
- (5) A. Suspension of MS4 Access.
1. When the Village or authorized enforcement agency finds that any person has violated, or continues to violate, any provision of this section, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Village or authorized enforcement agency may issue an order to the violator,

- directing it immediately to cease and desist all such violations and directing the violator to:
- a. Immediately comply with all requirements of this section; and
 - b. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.
2. Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Village or authorized enforcement agency may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Village or authorized enforcement agency may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Village or the authorized enforcement agency that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this section. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Village or authorized enforcement agency within ten days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.
- B. Suspension due to illicit discharges in emergency situations. The Village or authorized enforcement agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Village or authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

- C. Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Village or authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the Village or authorized enforcement agency for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the Village or authorized enforcement agency.
- (6) Civil penalties. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Village authorized enforcement agency shall deem appropriate, after the Village or authorized enforcement agency has taken one or more of the actions described above, the Village or authorized enforcement agency may impose a penalty of not less twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (7) Criminal prosecution. Any person that has violated or continues to violate this section may be liable to criminal prosecution to the fullest extent of the law. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(n) Appeal of Notice of Violation. Any person receiving a Notice of Violation may appeal the determination of the Village or authorized enforcement agency. The notice of appeal must be received within seven days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

(o) Enforcement Measures after Appeal. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within ten days of the decision of the municipal authority upholding the decision of the Village or authorized enforcement agency, then representatives of the Village or authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(p) Cost of Abatement of the Violation. Within ten days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including

administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property, and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this section shall become liable to the Village by reason of such violation. The liability shall be paid in not more than six equal payments. Interest at the rate of 9% per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

(q) Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(r) Remedies Not Exclusive.

- (1) The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the Village or authorized enforcement agency to seek cumulative remedies.
- (2) The Village or authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this section, including sampling and monitoring expenses.

(s) Severability. The provisions of this section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this section.

(Ord. 2010-22. Passed 7-6-10.)

1478.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

TITLE EIGHT - Housing
Chap. 1480. International Property Maintenance Code.

CHAPTER 1480
International Property Maintenance Code

1480.01 2003 edition adopted	1480.05 Violations; abatement; separate offenses.
1480.02 Application of Code.	1480.06 Fees.
1480.03 File copies.	1480.99 Penalty.
1480.04 Conflict of laws.	

CROSS REFERENCES

Adoption of codes and public records by reference - see 65 ILCS 5/1-3-2 et seq.
 Unsafe buildings - see 65 ILCS 5/11-31-1, 11-31-2; B. & H. Ch. 1460
 Permitted hours for construction activity; declaration of nuisance - see
 GEN. OFF. 656.09; 656.12
 Damage to trees, shrubs and landscaping - see S.U. & P.S. 1020.06(c)
 Protection of buildings from flood damage - see B. & H. 1464.09(c)
 Construction of mobile homes - see B. & H. 1470.12(p)

1480.01 2003 EDITION ADOPTED.

That certain document marked and designated as the 2003 International Property Maintenance Code, as from time to time amended, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church Virginia, 22041-3401, is hereby adopted as the Housing Code of the Village, save and except for such portions thereof as may be amended or repealed in this chapter.
 (Ord. 2003-24. Passed 10-20-03.)

1480.02 APPLICATION OF CODE.

The International Property Maintenance Code, as adopted in Section 1480.01, shall be applicable to all existing structures, residential and nonresidential, and to all existing premises, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance.
 (Ord. 2003-24. Passed 10-20-03.)

1480.03 FILE COPIES.

At least three copies of the International Property Maintenance Code, as adopted in Section 1480.01, shall be kept on file in the office of the Village Clerk, and there kept available for public use, inspection and examination.
 (Ord. 2003-24. Passed 10-20-03.)

2004 Replacement

1480.04 CONFLICT OF LAWS.

(a) In the event of a conflict between any of the provisions of the International Property Maintenance Code, as adopted in Section 1480.01, and any provision of these Codified Ordinances, or any other local ordinance or resolution, the local provision shall control.

(b) In the event of a conflict between any of the provisions of such Code and any provision of State law, the State law shall control.

(c) In the event of a conflict between any of the provisions of such Code and a provision of any other technical code adopted or referred to by the Village as a standard, the higher or stricter standard shall control.

(Ord. 2003-24. Passed 10-20-03.)

1480.05 VIOLATIONS; ABATEMENT; SEPARATE OFFENSES.

(a) No person shall erect, construct, occupy or maintain any building or other structure in violation of any of the provisions of the International Property Maintenance Code, as adopted in Section 1480.01, or cause, permit or suffer any such violation to be committed.

(b) It is the responsibility of the offender to abate the violation as expeditiously as possible, and each day during which such violation is permitted to continue shall constitute a separate offense.

(Ord. 2003-24. Passed 10-20-03.)

1480.06 FEES.

Notwithstanding anything to the contrary in the International Property Maintenance Code, as adopted in Section 1480.01, fees to be charged for inspections and issuance of building permits shall be as specified in Section 1442.04 of these Codified Ordinances.

1480.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)