

MEMORANDUM

July 17, 2009

TO: John Wills, PE – Wills, Burke, Kelsey and Associates

FROM: Don Oliphant, PE, CFM

SUBJECT: DuPage County Illinois Statute Review
(CBBEL Project No. 09-0145)

The purpose of this memorandum is to summarize all sections of the Illinois Statutes referenced in the DuPage County Countywide and Stormwater and Flood Plain Ordinance and how they relate to current regulations.

55 ILCS 5/5-1041 – Maps, Plats, and Subdivisions

Referenced in multiple Articles of the DuPage Ordinance

- Gives a County Board permission to prescribe, by resolution or Ordinance, reasonable rules and regulations governing the location, width and course of streets and highways and of floodplain, stormwater and floodwater runoff channels and basins in any map, plat or subdivision of any block, lot or sub-lot or any part thereof or any piece or parcel of land, not being within any city, village or incorporated town.
- The County Stormwater Management Committee may establish reasonable requirements for floodplain and stormwater management. The County engineer and Superintendent of Highways may establish reasonable requirements for street drainage and surfacing. All maps, plats or subdivision shall be submitted to the County Board or appointed officer for approval.
- Each person who seeks the County Board's approval of a map, plat or subdivision shall post a good and sufficient cash bond, irrevocable letter of credit, surety bond, or other adequate security with the County Clerk, in a penal sum sufficient to cover the estimate of expenditures made by the estimating engineer.
- The County Board may provide a schedule of fees sufficient to reimburse the County for the costs incurred in reviewing such maps, plats or subdivisions submitted for approval. Fees shall be paid into the general corporate fund.

55 ILCS 5/5-1042 – Maps, Plats, and Subdivisions

Referenced in multiple Articles of the DuPage Ordinance

- In any county with a population not in excess of 500,000 located in the area served by the Northeastern Illinois Metropolitan Planning Commission (NIPC), a County Board may establish by ordinance or resolution of record reasonable



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rules and regulations governing the location, width and course of streets and highways, and the provision of public grounds for schools, parks or playgrounds, in any map, plat or subdivision of any block, lot or sub-lot or any part thereof or any piece or parcel of land in the county, not being within any city, village or incorporated town in the county which rules and regulations may include such reasonable requirements with respect to water supply and sewage collection and treatment, and such reasonable requirements with respect to street drainage and surfacing, as may be established by the county board as minimum requirements in the interest of the health, safety and convenience of the public of the county; and may require by ordinance or resolution of record that any map, plat or subdivision shall be submitted to the county board or some officer to be designated by the county board for its or his approval in the manner provided in Section 5-1041, and to require bonds and charge fees as provided in Section 5-1041.

55 ILCS 5/5-1049 – Public Grounds

Referenced in multiple Articles of the DuPage Ordinance

- A County Board may accept or receive through gift, grant, legacy, dedication in plats of subdivision or otherwise, parks, playgrounds, areas enclosing floodplains, floodwater runoff channels and detention ponds or basins, and other public grounds and easements located in the unincorporated part of the county and not accepted by a municipality, park district or other public agency; may hold and maintain such grounds and lands; may supervise or regulate their use for any proper public purpose; and may enact ordinances or resolutions to provide for monetary relief for damages caused by filling or dumping into areas enclosing floodplains, floodwater runoff channels or detention ponds or basins. Monetary relief for such damages shall be based on the cost of removing soil, debris, rubbish or any other material from the floodplain, floodwater runoff channel or detention pond or basin.

55 ILCS 5/5-1062 – Stormwater Management

Referenced in multiple Articles of the DuPage Ordinance

- Section applies to counties less than 1,500,000 people and allows management and mitigation of the effects of urbanization on stormwater drainage in metropolitan counties located in the area served by the NIPC.
- Purpose of the section is to:
 - Consolidate the existing stormwater management framework into a united, countywide structure;
 - Setting minimum standards for floodplain and stormwater management;



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- Preparation of a countywide plan for the management of stormwater runoff, including the management of natural and man-made drainageways. The countywide plan may incorporate watershed plans.
- Establishment of stormwater management planning committee (SMPC).
 - Cites requirements of member make-up, voting criteria, duties, etc.
- The SMPC shall coordinate with adjoining counties to ensure the preparation of a stormwater management plan will have no significant impact on the levels or flows of stormwaters in inter-county watersheds or on the capacity of existing and planned stormwater retention facilities.
- The SMPC shall submit a stormwater management plan to IDNR-OWR and NIPC for review and comment prior to recommendation to the County Board.
- The SMPC shall hold a public hearing before recommendation to the County Board.
- The County Board may enact the recommended stormwater management plan as prescribed by Ordinance reasonable rules and regulations for floodplain management and release rate of all stormwater runoff channels, stream and basin in the county. These rules and regulations, at a minimum, shall meet the standards for floodplain management established by IDNR-OWR and the requirements of the Federal Emergency Management Agency for participation in the NFIP.
- County Board has authority to adopt a schedule of fees to mitigate the effect of increased stormwater runoff resulting from new development.
- County Board may levy an annual tax of not to exceed 0.2% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the county.
 - The 0.2% limitation may be increased or decreased by referendum.
- Upon creation of a county stormwater management plan, the county may petition the circuit court to dissolve any or all drainage districts created pursuant to the Illinois Drainage Code or predecessor Act which are located entirely within the area of the county covered by the plan.
- The County shall not enforce rules and regulations adopted by the county in any municipality located wholly or partly within the County that has a municipal stormwater management ordinance that is consistent with and at least as stringent as the county plan and ordinance, and is being enforced by the municipal authorities.

55 ILCS 5/5-1063 – *Building Construction, Alteration and Maintenance*

Referenced in multiple Articles of the DuPage Ordinance

- Rules governing the construction and alteration of all buildings in a condition reasonably safe from hazards of fire, explosion, collapse electrocution, flooding, asphyxiation, contagion, and the spread of infectious disease.



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55 ILCS 5/5-1104 – *Removal of Obstructions from Streams, Lakes, Ponds, and other Water Courses, Stream Maintenance.*

Referenced in multiple Articles of the DuPage Ordinance

- Authorizes the removal of debris within the channel, the banks, or within 10 feet inland from the top of bank from streams, lakes, ponds.
- Periodic maintenance so that the flow of water will not be further impeded.
- Access to private property will be granted after a notice in writing 30 days prior.

55 ILCS 5/5-12003 – *Special Flood Hazard Areas*

Referenced in multiple Articles of the DuPage Ordinance

- For County's greater than 500,000 and less than 3,000,000 people, the County Board shall apply to the circuit court, if unauthorized excavation or filling of a special flood hazard area occurs for an order, to remove the fill and restore the parcel to its natural elevation to avoid imminent threat to the public health, safety or welfare and damage to property resulting from the accumulation of runoff of storm or flood water.

55 ILCS 5/5-15001 et seq – *Water Supply, Drainage and Flood Control*

Referenced in multiple Articles of the DuPage Ordinance

- County Board establishment of a Department of Public Works.
- Exercise of Powers. After the Ordinance or resolution has been adopted it shall be published at least once in a newspaper having a general circulation. Several other requirements are listed in subsection 150006.
- Authorization by the County to modify, purchase, condemn, etc. waterways, right-of-ways, buildings, etc to protect the quality of the environment and quality of life from adverse effect caused by improper usage.
- The County Board shall supervise, regulate and control the flow within the boundaries of the county of the waters of any river, stream or water course over and through any and all dam and other obstructions.
- Before any work is commenced under these provisions, the plans shall be submitted and approved by the IDNR-OWR and the IEPA.
- The County may enter into agreements with the proper agencies of the United States Government, municipal corporations of this State, political subdivisions and person and associations, for the formulation of plans, and for the construction of an and all improvements for the control of destructive floods, and for the conservation, regulation, and development and utilization of water, waterways and water resources.
- Revenue Bond Information



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415 ILCS 5/43 – Environmental Safety

Referenced in multiple Articles of the DuPage Ordinance

- State's Attorney or Attorney General to file a civil action in times of circumstances of substantial danger to the environment or to the public health of persons or to the welfare of persons.
- NPDES Permit violations

65 ILCS 5/1-2-1, 5/11-12-12, 11-30-2, 11-30-8, 11-31-2 – Ordinances

Referenced in multiple Articles of the DuPage Ordinance

- Fines and penalties for violations of the Ordinance.
- Plat recordation requirements and restrictions.
- Injunction language for non-compliant structures.
- Lien language.

70 ILCS 415/22.02 – Soil and Water Conservation Districts Act

Referenced in Article 11 of the DuPage Ordinance

- Powers of districts and directors to carry out preventive and control measure with the district, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in the use of land on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on another land within the district upon containing the consent of the owners and occupiers of such lands of the necessary rights or interests in such lands.

730 ILCS 5/5-1-17 – Unified Code of Corrections

Referenced in Article 14 of the DuPage Ordinance

- Petty Offense definition

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