

Village of Carol Stream

BOARD MEETING

AGENDA

JUNE 2, 2008

All matters on the Agenda may be discussed, amended and acted upon

A. ROLL CALL AND PLEDGE OF ALLEGIANCE: Colors to be presented by Carol Stream Park District Baseball Second Grade Cubs.

B. MINUTES:

1. Approval of the Minutes of the May 19, 2008 Meeting.

C. AUDIENCE PARTICIPATION & PUBLIC HEARINGS:

1. Recognition of Corporal Robert White for Achieving a 250 DUI Arrest Milestone.
2. Presentation of Commendation to Paula Connor.

D. SELECTION OF CONSENT AGENDA:

If you are here for an item which is added to the consent agenda and approved, the Village Board has acted favorably on your request.

E. BOARD AND COMMISSION REPORTS:

1. PLAN COMMISSION:

- a. #07052 – David Schonback – NE Corner of St. Charles Road and Morton Road
Zoning upon annexation to I-Industrial District
CONTINUED TO 6-23-08 MEETING (4-0).
Zoning approvals for a new office/warehouse building in the Southwest Planning Area, requiring a preannexation agreement for water and sewer connection.
For information only, no Village Board action required.
- b. #08007 – Chicago Motors Corporation – 27W110 North Avenue
Zoning upon annexation to B-3 Service District
Special Use Permit for Open Sales Lot
Zoning Code variation for reduced front yard setback from 100 feet to 50 feet
CONTINUED TO 6-23-08 MEETING (4-0)
Zoning approvals for a new pre-owned auto dealership in the Southwest Planning Area requiring a preannexation agreement for water and sewer connection.

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For information only, no Village Board action required.

- c. #08110 – Merlin Muffler – 852 W. Army Trail Road
Sign Code Variation
RECOMMENDED APPROVAL (3-1)
Approval for a new sign with changeable copy to be 7'3" in height rather than 6'.
- d. #08014 – Mehran Farahmandpour – 120 S. Gary Avenue
Special Use – Auto Laundry
Special Use – Auto Service Sttion
Variation – Outdoor Activities
Variation – Vehicle Stacking Spaces
Gary Avenue Corridor Review
CONTINUED TO 6-23-08 MEETING (4-0).
Zoning approvals for a new car wash with lube & oil service
For information only, no Village Board action required.

F. OLD BUSINESS:

1. #07136 – Angel Associates, LP, South of St. Charles Road, East of Schmale Road
Special Use Permit for Planned Unit Development
Preliminary/Final PUD Plan Approval
Special Use Permits for Bank, Drive-Up Service Windows (2)
Shopping Plaza and Auto Laundry
Rezoning to B-3 Service District
RECOMMENDED APPROVAL WITH CONDITIONS (5-0)
Variations – Sign Code
CONTINUED (5-0)
Zoning approvals for a new 3.47-acre Commercial Development. Brought back to the Village Board with the resolution of various issues raised at the April 21, 2008 Village Board Meeting.

G. STAFF REPORTS & RECOMMENDATIONS:

1. Fourth of July Parade Donation.
Request from the Fourth of July Parade Committee for a donation of \$17,831. Resident donations account for \$4,337.80.

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2. Evergreen Drive – Tubeway Drive Lift Station Design.
Staff recommends award of design services contract in the amount of \$70,500 to Baxter and Woodman of Crystal Lake, IL for the design of the Evergreen Drive and Tubeway Drive Lift Station.
3. Additional Red Light Camera Authorizations.
Ratification of direction given at May 19, 2008 Village Board Meeting for the installation of two additional red light cameras at northbound and southbound Gary and Lies Roads.
4. Award of Contract for the 2008 Asphalt Rejuvenator Project & Request to Waive Bidding.
Village staff recommends bidding process be waived and the contract be awarded to American Road Maintenance in the amount of \$182,400.

H. ORDINANCES:

1. Ordinance No. _____, Amending Section 5-7-5 of the Carol Stream Code of Ordinances – Motor Vehicle License Late Charges.
This ordinance amends the Village Code increasing the fine for late payment of Village vehicle stickers to \$100.
2. Ordinance No. _____, Establishing a Fee in Lieu of Best Management Practices Program.
This ordinance establishes a program whereby an applicant can pay a fee in lieu of providing water quality BMI's under certain conditions.
3. Ordinance No. _____, Adopting the Revised DuPage County Countywide Stormwater and Floodplain Ordinance.
The Village is required to adopt changes to the County Ordinance to maintain its status as a full waiver community.
4. Ordinance No. _____, Prohibiting Possession and Use of Fireworks.
This ordinance replicates Illinois State Law allowing officers to issue a "hang-on ticket" for violations with a fine ranging from \$250 to \$1,000.

I. RESOLUTIONS:

1. Resolution No. _____, Declaring Surplus Property Owned by the Village of Carol Stream.

Village of Carol Stream

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This is a request by the Police Department to declare vehicles as surplus so they can be sold on E-bay.

J. NEW BUSINESS:

1. Request by Douglas & Yvonne Petit for Waiver of Sound Amplification Fee for 4th Annual JP Run for Fun in Armstrong Park on August 31, 2008.
2. Request by Bridgeway Community Church for Waiver of Sound Amplification Permit for Church Service/Picnics to be held on June 15, July 20 and August 17, 2008.
3. 2008-09 Funding Request from the DuPage Senior Citizen Council.
Request for financial assistance for the delivery of programming to Carol Stream Senior Citizens.

K. PAYMENT OF BILLS:

1. Regular Bills:
2. Addendum Warrant:

L. REPORT OF OFFICERS:

1. Mayor:
2. Trustees:
3. Clerk:
4. Treasurer's Report: Revenue/Expenditure Statement and Balance Sheet, Month End April 30, 2008.

M. EXECUTIVE SESSION:

N. ADJOURNMENT:

LAST ORDINANCE: 2008-05-24

LAST RESOLUTION: 2346

NEXT ORDINANCE: 2008-06-25

NEXT RESOLUTION: 2347

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES
Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, Illinois

May 19, 2008

Mayor Pro-Tem Pamela Fenner called the Regular Meeting of the Board of Trustee to order at 8:00 p.m. and directed Village Clerk Beth Melody to call the roll.

Present: Trustees Michael Drager, Donald Weiss, Greg Schwarze,
Matt McCarthy, Rick Gieser and Pamela Fenner
Absent: Mayor Frank Saverino, Sr.
Also Present: Village Manager Joe Breinig, Assistant Village Manager Bob
Mellor, Attorney Julie Tappendorf, Village Clerk Beth Melody
& Deputy Village Clerk Wynne Progar

Mayor Pro-Tem Fenner led those in attendance in the Pledge of Allegiance.

MINUTES:

Trustee McCarthy moved and Trustee Drager made the second to approve the Minutes of the Meeting of May 5, 2008 as presented. The results of the roll call vote were:

Ayes: 6 Trustees Drager, Weiss, Schwarze, McCarthy, Gieser & Fenner
Nays: 0

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

There were none.

CONSENT AGENDA:

Trustee Schwarze moved and Trustee Gieser made the second to establish a Consent Agenda for this meeting. The results of the roll call vote were:

Ayes: 6 Trustees Drager, Weiss, Schwarze, McCarthy, Gieser & Fenner
Nays: 0

Trustee McCarthy moved and Trustee Schwarze made the second to put the following items on the Consent Agenda. The results of the roll call vote were:

Ayes: 6 Trustees Drager, Weiss, Schwarze, McCarthy, Gieser & Fenner
Nays: 0

1. Variance for rear and side yard setback -1054 Evergreen – Ord. 2008-05-19
2. Amendment to final PUD – 545-595 Gundersen –Clubhouse-Ord. 2008-05-20
3. Information Only/no action – VP Ventures – 200 W. North Ave. Value Place
4. Award of Contract-2008 Flexible Pavement Project
5. Received: 2007 Annual Report
6. Personnel Manual Revisions
7. Award of Purchase – Computer Equipment – Dell Computers
8. Ordinance 2008-05-21:Amend Chap. 11-Art.2-Dec. Class G 3 to 2/ 7-Eleven
9. Ordinance 2008-05-22:Amend Chap. 11-Art.2-Inc.Class C15 to 16/ 7-Eleven
10. Ordinance 2008-05-23:Amend Chap. 11-Art.2-Dec. Class A 9 to 8/RoccoVino
11. Ordinance 2008-05-24:Amend Chap. 11-Art.2-Inc. Class F 8 to 9/RoccoVino

12. Resolution 2344: Grant Stormwater/Conveyance easement-CS Park Dist. Slepicka Homestead Park
13. Resolution 2345: MFT 2008 Crack Filling Project
14. Resolution 2346: Declare surplus property – video surveillance equipment
15. Fee Waiver: Bud Swanson 5K Run – allow before 10:00 a.m.
16. Community Development Commission
17. Reappointment of Ron Samson to Board of Fire and Police Commission
18. Regular Bills; Addendum Warrant of Bills

Trustee Drager moved and Trustee McCarthy made the second to approve the Consent Agenda for this meeting by omnibus vote. The results of the roll call vote were:

Ayes: 6 Trustees Drager, Weiss, Schwarze, McCarthy, Gieser & Fenner
Nays: 0

The following is a brief description of those items approved on the Consent Agenda for this meeting.

Variance for rear and side yard setback -1054 Evergreen – Ord. 2008-05-19

At their meeting on May 12, 2008, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the variance for the rear yard setback for the existing concrete patio in accordance with staff recommendations, and approval of a side yard setback variance to allow a brick paver patio, in accordance with staff recommendations. The Board concurred with the recommendation and adopted Ordinance 2008-05-19, AN ORDINANCE GRANTING A REAR YARD AND SIDE YARD SETBACK VARIATIONS – (1054 EVERGREEN DRIVE).

Amendment to final PUD – 545-595 Gundersen –Clubhouse-Ord. 2008-05-20:

At their meeting on May 12, 2008, the Combined Plan Commission/Zoning Board of Appeals recommended approval of an amendment to a final PUD plan for the French Quarter Apartments in accordance with staff recommendations with the addition of replacing dead trees with matching size of the existing trees. The Board concurred with the recommendation and adopted Ordinance 200-05-20, AN ORDINANCE APPROVING AN AMENDMENT TO A FINAL PLANNED UNIT DEVELOPMENT-(545-595 GUNDERSEN DRIVE).

Award of Contract-2008 Flexible Pavement Project:

The Board awarded a contract for the 2008 Flexible Pavement Project to Plote Construction, Inc. at the bid unit prices submitted and amount of \$1,605,612.05.

Personnel Manual Revisions:

The Board approved Personnel Manual Revisions as outlined in the memo from Caryl Rebholz, Employee Relations Director on May 14, 2008.

Award of Purchase – Computer Equipment – Dell Computers:

The Board approved an award of purchase to Dell Computers for the purchase of 16 desktop computers with Windows XP in the amount of \$15,152.00.

Ordinance 2008-05-21: Amend Chap. 11-Art.2-Dec. Class G 3 to 2/ 7-Eleven:

The Board adopted Ordinance 2008-05-21, AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE CAROL STREAM CODE OF ORDINANCES BY DECREASING

THE NUMBER OF CLASS G LIQUOR LICENSES FROM 3 TO 2 – (7-ELEVEN, 1390 ARMY TRAIL ROAD).

Ordinance 2008-05-22: Amend Chap. 11-Art.2-Inc.Class C15 to 16/ 7-Eleven:

The Board adopted Ordinance 2008-05-21, AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE CAROL STREAM CODE OF ORDINANCES BY INCREASING THE NUMBER OF CLASS C LIQUOR LICENSES FROM 15 TO 16 – (7-ELEVEN, 1390 ARMY TRAIL ROAD).

Ordinance 2008-05-23:Amend Chap. 11-Art.2-Dec. Class A 9 to 8/RoccoVino:

The Board adopted Ordinance 2008-05-21, AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE CAROL STREAM CODE OF ORDINANCES BY DECREASING THE NUMBER OF CLASS A LIQUOR LICENSES FROM 9 TO 8 – (ROCCO VINO'S, 904 ARMY TRAIL ROAD).

Ordinance 2008-05-24: Amend Chap. 11-Art.2-Inc. Class F 8 to 9/RoccoVino:

The Board adopted Ordinance 2008-05-21, AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE CAROL STREAM CODE OF ORDINANCES BY INCREASING THE NUMBER OF CLASS F LIQUOR LICENSES FROM 8 TO 9 – (ROCCO VINO'S, 904 ARMY TRAIL ROAD).

Resolution 2344: Grant Stormwater/Conveyance easement-CS Park Dist. Slepicka Homestead Park:

The Board adopted Resolution 2344, A RESOLUTION ACCEPTING A GRANT OF STORM WATER MANAGEMENT AND CONVEYANCE EASEMENT – (CAROL STREAM PARK DISTRICT, SLEPICKA HOMESTEAD PARK – 1201 LILY LANE).

Resolution 2345: MFT 2008 Crack Filling Project:

The Board adopted Resolution 2345, A FIRST SUPPLEMENTAL RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE.

Resolution 2346: Declare surplus property – video surveillance equipment:

The Board adopted Resolution 2346, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM. (VIDEO SURVEILLANCE EQUIPMENT).

Fee Waiver: Bud Swanson 5K Run – allow before 10:00 a.m.:

The Board approved the waiver of fee for an amplification permit and allowing amplification before 10:00 a.m. for the Bud Swanson 5K Run on June 28, 2008.

Community Development Commission:

The Board concurred with the Staff recommendation to continue participation as part of the county for the block grant program in the DuPage County Community Development Commission (CDC).

Reappointment of Ron Samson to Board of Fire and Police Commission:

The Board concurred with Mayor Saverino's appointment to another term for Ron Samson on the Board of Fire and Police.

Regular Bills; Addendum Warrant of Bills:

The Board approved the payment of the Regular Bills in the amount of \$520,160.86.
The Board approved the payment of the Addendum Warrant of Bills in the amount of \$677,031.79.

REGULAR MEETING:**Vehicle Licenses:**

Staff requests direction from Village Board on methods used to gain compliance for Village Motor Vehicle License Code including implementation of a \$100 late fine for vehicles licenses purchased after June 30.

Trustee Weiss asked if officers write tickets for violation if they see a car does not have a valid sticker. Village Manager Breinig said that most likely not since they would have to run the plate to determine residency and since they would be traveling in opposite directions, there would not be time enough for the squad to turn around and find the vehicle. Ticketing for no sticker would typically occur during a stop for another reason. Trustee Weiss asked if a survey of other municipalities was done to determine how they handle this and Mr. Breinig said that there has not been a survey done. He said that a survey could be done, if that is the direction of the Board. Trustee Weiss said that he was pleased that there would points of sale at several multiple housing complexes and asked if the requirement of purchasing Village stickers could be included in the rental or lease agreements of other complexes within the Village. Attorney Tappendorf said that the landlord could require that, whether or not the Village could require a landlord to do that is another issue. Mr. Breinig said that there could be other adults, not on the lease, that could have vehicles as well. Trustee Weiss said that he is not in favor of making a change for the late fee penalty part of this right now. This is the middle of the selling season and the back of the form has the late penalty language on it. Mr. Breinig said that if anything needs to be clarified it is the fine language. What is unclear is two different things, one is what the fee for the sticker goes to, in violation and then there is the ticket fine for the violation. Trustee Weiss said that he would be more in favor of conducting an education campaign for the community once we are past the vehicle sticker selling season.

Trustee McCarthy said that he would rather see the \$100 penalty go to August 1st rather than July 1st. Mr. Breinig said that the standard fine of \$20 could be used during July and then it would advance to \$100.

Trustee Gieser said that he likes the idea of \$100 fine because it does not penalize the vast majority of the residents that are doing the right thing. This may be the incentive to get residents to get their stickers.

Trustee Schwarze asked if the \$100 would be charged to resident that comes in to buy the sticker after July 1st and Mr. Breinig said that only the late fee would be charged, which is the higher cost of the sticker.

Mr. Breinig said that staff will craft an ordinance that will provide for a penalty of \$20 for a resident that does not have a vehicle sticker from July 1st to July 31st and on August 1st, the penalty would go to \$100. The price of the sticker itself will stay as it is written, where it is \$5 per month after June 30th.

Trustee Weiss requested that staff survey other communities in regard to sticker penalties and Mr. Breinig said that staff will do that.

Trustee Fenner said that as long as it does not require massive staff time, she would also like to see a survey done. Trustee Drager also agreed.

REPORT OF OFFICERS:

Trustee Drager said that Public Works did a great job cooking the pancakes for Mother's Day. God Bless our troops.

Trustee McCarthy said that the breakfast was well attended, the Youth Council helped out with serving everyone. He said that the 4 Day event is only about two weeks away and there is some great entertainment scheduled and the Youth Council is doing the kids music fest on Saturday, June 4th. Watch out for the kids on bike, skate boards and scooters and just throwing a ball around.

Trustee Gieser said that residents/businesses can still nominate property for the Community Pride award and volunteer as a judge as well. Applications are on the web site as well as at the municipal center and in the Correspondent. The 4th of July Parade has applications on their web site, carolstreamparade.com and at the Municipal Center. The Parade Committee has received word from the US Navy Marching Band from Great Lakes Naval Station will be in the parade.

Trustee Schwarze said Happy Memorial Day and thanked all of our veterans for their service and reminded everyone to shop Carol Stream.

Trustee Weiss complimented the Staff on the excellent annual report.

Mr. Breinig asked for concurrence on proceeding with adding northbound and southbound North and Lies to the red light program and staff will bring the formal ratification to the Board at the next meeting. The Trustees directed staff to continue with the process adding those two locations.

Mr. Breinig reminded everyone that Wheels of Justice at the Town Center on May 24th at 11:00 a.m. and the Bike Rodeo will be at 9:00 a.m. on May 31st and the Toys 4 Tots charity car show, Vintage Cars and Rods, will be on June 1st from 12 noon to 3:00 p.m.

The Click it or Ticket program is underway and as a Crime Prevention tip, there have been several reports of catalytic converters being stolen so if there is unusual activity with someone underneath a vehicle, call 9-11. The Dunkin Donuts "Cop on Top" event raised about \$2,500 for Special Olympics and finally in regard to the street lights on Munson, the contractor is starting on the bases this week and the lights should be up shortly after they are finished.

Mayor Pro-Tem Fenner stated that the Mayor's son Dominick had surgery today and asked everyone to keep him in their thoughts and prayers. She said that this past weekend there was a celebration at Our Savior Lutheran Church for 25 years of service of Pastor Cushman. The congregation gifted the pastor and his wife with a two week vacation in Hawaii.

At 8:30 p.m. Trustee McCarthy moved and Trustee Drager made the second to adjourn. The results of the roll call vote were:

Ayes: 6 Trustees Drager, Weiss, Schwarze, McCarthy, Gieser & Fenner
Nays: 0

FOR THE BOARD OF TRUSTEES

Mayor and Trustees:

Due to physical problems of the Deputy Clerk, the Minutes for the Combined Plan Commission/ Zoning Board of Appeals Meeting For May 27, 2008 will be at your places on Monday, June 2nd.


The complex cases were all continued to the June 23rd PC/ZBA Meeting so you will have enough time to read the first installment.

Thank you for your understanding.

Beth Melody, Clerk
Wynne Progar, Deputy

C-1 6-2-08

Village of Carol Stream
Interdepartmental Memo

To: Village Manager Joe Breinig
From: 
Chief Rick Willing
Date: May 21, 2008
Re: Police Department recognizes Cpl. Robert White for achieving
250 DUI arrest milestone.

Cpl. Robert White recently made his 250th career DUI arrest in Carol Stream. He is only the second officer to achieve this milestone since this recognition program was instituted in 2003.

This is a remarkable achievement because these arrests have been made while handling his other responsibilities as a police officer.

It is obvious that Cpl. White has made our roadways safer by removing dangerous impaired drivers from the streets of Carol Stream. It is safe to assume that he has saved several lives through his efforts.

I would like to recognize his efforts at the Village Board meeting on June 2.

Carol Stream Police Department *C-26-2-08***COMMENDATORY LETTER**

PRESENTED TO:

PAULA CONNOR

On April 23, 2008, a death threat was found on the grounds of Jay Stream Middle School. Officials of Community Consolidated School District 93 and the Carol Stream Police Department initiated a joint investigation immediately. Additional personnel from both the school district and the police department were mobilized to ensure the staff and children's safety during and after their school day.

Upon learning of the threat, Carol Stream resident and Jay Stream School employee Paula Connor met with School Resource Officer Diane Wells. Connor related that she noticed three boys she recognized as Jay Stream students "hanging out" in the area of the school grounds the previous day in the area where the threat was later discovered. Connor found their presence on school grounds suspicious because the males were on school grounds for almost an hour, and there were no after school activities occurring that would explain their presence at the school.

Interviews of the three resulted in confessions that they were responsible for making the threat as a prank. Due to Ms. Connor's observations and willingness to get involved for the good of her community, an alarming, potentially dangerous incident was addressed swiftly, the offenders were identified, and the issue was resolved. Her willingness to "get involved" certainly minimized the impact of the threat on the school community and disruption to the learning environment.

The Carol Stream Police Department proudly recognizes Ms. Paula Connor with this Citizen's Award of Appreciation for her commitment to this community and the citizenship demonstrated.

Richard H. Willing
Chief of Police
June 2, 2008

Carol Stream Police Department

Citizen's Award

presented to

Paula Connor

As an expression of appreciation for assistance given the Carol Stream Police Department in its efforts to prevent crime and apprehend criminals. This act is gratefully acknowledged on behalf of the Department and the Citizens of Carol Stream.

Chief of Police

AGENDA ITEM

ELC 6-2-08

Village of Carol Stream Interdepartmental Memo

TO: Joseph E. Breinig, Village Manager

FROM: Robert J. Glees, Community Development Director *RM*

DATE: May 28, 2008

RE: **Agenda Item for the Village Board meeting of June 2, 2008: PC/ZBA Case # 06116 – Merlin Muffler, 852 W. Army Trail Road – Sign Code Variation**

Merlin Muffler and Brake is currently undergoing a re-branding initiative for its automotive service stores. The new name is Merlin 200,000 Mile Shops, and Merlin Corporation would like to change the signage at the Merlin Muffler and Brake shop in Carol Stream to reflect this corporate re-branding effort, and to make customers aware of the variety of automotive repair services that Merlin offers. The proposed sign would include a new signage cabinet and an electronic changeable copy message center that are proposed to be installed upon the existing brick sign base. The area of the new cabinet and electronic reader board would be 62.5 square feet, which complies with the 72 square foot area allowance for such a ground sign in the B-3 Service District. However, the proposed ground sign would measure seven feet, three inches in height, which exceeds the six-foot maximum allowable sign height by 15 inches.

The staff report with supporting documentation was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals packet on May 23, 2008. At their May 27, 2008, meeting, the PC/ZBA voted 3-1 to approve the Sign Code variation request, subject to the conditions in the staff report.

The Plan Commission has the authority to approve Sign Code variation requests. However, the Sign Code grants the Village Board the opportunity to affirm or reverse the decision of the Plan Commission within 21 days of the date that the request first appears before the Village Board. If the Village Board chooses to take action on the Sign Code Variation request, their decision is final. If the Board chooses not to take action within the 21-day period set forth in the Sign Code, the decision of the Plan Commission is final.

RJG:bg

cc: Chris Wrobel, via fax, (630) 766-9521

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F-1 6-2-08

Village of Carol Stream Interdepartmental Memo

TO: Joseph E. Breinig, Village Manager

FROM: Robert J. Glees, Community Development Director *RJG*

DATE: May 29, 2008

RE: **Agenda Item for the Village Board meeting of June 2, 2008**
PC/ZBA Case #07136, Mario Spina – East Side of Schmale Road, 450 feet South of St. Charles Road
Special Uses – Planned Unit Development, Shopping Plaza, Drive-up Service Window, Bank with Drive-up Service Window, and Auto Laundry
Preliminary/Final PUD Plan Approval
Rezoning – B-2 General Retail District to B-3 Service District, and R-1 One-Family Residence District to B-3 Service District upon Annexation
Variations – Sign Code

Mario Spina of Angel Associates, LP has submitted an application for several zoning approvals to allow a multi-building commercial development on two parcels located generally within the southeast quadrant of the intersection of Schmale Road and E. St. Charles Road. The project was presented to the Village Board, with the recommendations of the Plan Commission, at their regular meeting on April 21, 2008, for information and possible discussion only. No Village Board action was requested other than to direct staff to prepare an annexation agreement and schedule a public hearing for annexation. At that meeting, the staff memorandum presented a number of issues that remained to be resolved, and so the Board directed that the case be brought back for further discussion once the petitioner had resolved those issues. Attached for the Village Board's reference is a copy of the staff memorandum from the April 21st meeting.

The current status of the outstanding issues is as follows:

Revisions to the Proposed PUD Plan: Six of the conditions contained within the staff report required the petitioner to make revisions to the plans, and those revisions have been made.

Access: The petitioner has completed the process of negotiating a new access easement agreement with the Village Tavern to reflect the proposed site plan. Attached is a copy of the easement agreement.

Plat of Consolidation: The petitioner has prepared a plat of consolidation and submitted it for approval.

Engineering Issues: The petitioner's wetlands mitigation plan has been approved by DuPage County. The petitioner is still in the process of obtaining easement rights for the storm

sewer connection to the adjacent property, and hopes to have the matter resolved by the time of the Village Board meeting on June 2nd.

Sign Code Variations: The PC/ZBA continued the petitioner's variation requests until such time as staff could work with the petitioner to further evaluate and possibly modify his request. We invite comments from the Village Board with respect to the Sign Code variation requests.

No Village Board action is being requested at this time other than whether to direct staff to complete the annexation agreement and schedule the public hearing for annexation. Staff also requests that the Village Board provide comments that they would like to see addressed prior to bringing the petitioner's requests back for final action.


RJG:bg

c: Mario Spina, via fax, (630) 668-9114

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Village of Carol Stream
Interdepartmental Memo

TO: Joseph E. Breinig, Village Manager

FROM: Robert J. Glees, Community Development Director 

DATE: April 16, 2008

RE: **Agenda Item for the Village Board meeting of April 21, 2008**
PC/ZBA Case #07136, Mario Spina – East Side of Schmale Road, 450 feet South of St. Charles Road
Special Uses – Planned Unit Development, Shopping Plaza, Drive-up Service Window, Bank with Drive-up Service Window, and Auto Laundry
Preliminary/Final PUD Plan Approval
Rezoning – B-2 General Retail District to B-3 Service District, and R-1 One-Family Residence District to B-3 Service District upon Annexation
Variations – Sign Code

Mario Spina of Angel Associates, LP has submitted an application for several zoning approvals to allow a multi-building commercial development on two parcels located generally within the southeast quadrant of the intersection of Schmale Road and E. St. Charles Road. The proposed development would consist of three buildings with shared parking facilities. The first proposed building is a 10,000 square foot multi-tenant shopping plaza with a proposed fast food drive-up service window. The applicant is requesting Special Uses for both the shopping plaza and the drive-up service window. The second proposed building is a 3,081 square foot stand-alone bank facility with three drive-up service lanes. The applicant is requesting Special Uses for the bank and drive-up service lanes. The third building is an automatic tunnel-style car wash (auto laundry), for which the applicant is requesting a Special Use. The overall site consists of two parcels; one incorporated parcel currently zoned B-2 General Retail District, and one unincorporated parcel currently zoned B1 Local Business District in Milton Township. To accommodate the various uses, the applicant is requesting that the incorporated parcel be rezoned to B-3 Service District, and that the unincorporated parcel be rezoned to B-3 Service District upon annexation to the Village of Carol Stream. Finally, the applicant is requesting Sign Code Variations related to the height and area of the ground sign proposed for installation along the Schmale Road frontage.

The staff report presenting the requests, with supporting documentation, was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals (PC/ZBA) packet on April 11, 2008. At their April 14, 2008, meeting, by a vote of 5-0, the PC/ZBA recommended approval of the Special Use Permit for Planned Unit Development and the Preliminary/Final Planned Unit Development Plan, subject to the conditions contained within the staff report. Also, by a vote of 5-0, the PC/ZBA recommended approval of the Special Use Permits for a Shopping Plaza, a Bank, Drive-up Service Windows for the shopping plaza and the bank, and an Auto Laundry, subject to the conditions contained within the staff report. Finally, by a vote of 5-0, the PC/ZBA

recommended approval of the requests for rezoning of the two parcels to B-3 Service District. With respect to the request for two Sign Code variations, the PC/ZBA voted 5-0 to continue the matter until such time as staff could work with the petitioner to further evaluate and possibly modify his request

At this time, per the Village's standard procedure for annexation of properties for development, the petitioner's requests and the PC/ZBA's recommendations are being presented to the Village Board for information and possible discussion only. No Village Board action is being requested at this time other than to direct staff to prepare an annexation agreement and schedule a public hearing for annexation. To assist the Village Board in their review of the petitioner's development proposal and associated requests, staff offers the following summary of outstanding issues:

Process:

Staff has been working with the petitioner and the Village Attorney to prepare an annexation agreement, which would be brought to the Village Board at a future public hearing to be held on the evening of a regular Village Board meeting. As noted above, no Village Board action is being requested at this time other than to direct staff to complete the annexation agreement and schedule the public hearing for annexation. The Village Board would be expected to take action later that evening on requests for approval of the annexation agreement, annexation of the property, rezoning upon annexation, and other zoning approvals, in that order. Therefore, staff requests direction from the Village Board with respect to moving forward with the completion of a proposed annexation agreement and the scheduling of a future public hearing at such time as the petitioner has resolved the issues identified herein. Staff also requests that the Village Board provide comments that they would like to see addressed prior to bringing the petitioner's requests back for final action.

Revisions to the Proposed PUD Plan:

Six of the conditions contained within the staff report required the petitioner to make revisions to the plans before the plans would be brought to the Village Board for final approval. The PC/ZBA concurred with staff's recommended conditions, and made them part of their recommendations for approval of the Final PUD Plan and the Special Use Permits for PUD, Shopping Plaza with Drive-up Service Window, Bank with Drive-up Service Window, and Auto Laundry. The petitioner agreed with the recommended PUD Plan revisions, and agreed to make those revisions prior to the PUD Plan being brought to the Village Board for action. The six conditions are as follows:

- That the PUD Plan be revised to show a solid six-foot fence along the south property line, for that portion of the south property line that abuts the adjacent R-4 General Residence District zoning to the south;
- That the Table of Exemptions on the Final PUD Plan be revised to include a rear yard setback of 13 feet as an exemption from the B-3 District required rear yard setback of 40 feet;
- That the PUD Plan be revised to delete two parking spaces in the middle row of spaces, and instead double the width of both the eastern and western landscape islands, with shade trees being added to these islands;

- That the PUD Plan be revised to delete the westernmost parking stall in the southern row of parking, and instead make this area greenspace, including a shade tree;
- That the PUD Plan be revised to provide several landscape planting bed cut-outs or planters across the length of the sidewalk on the south side of the building, and the planting beds should contain a mixture of low level shrubs, annual grasses, and small ornamental trees;
- That the PUD Plan be revised to provide a staggered double row of shrubs, minimum 30 inches in height, be installed just behind the outside back of curb along the drive-up service lane where it parallels Schmale Road at the west end of the plaza; The petitioner has changed the title of Sheet C1.1 to Preliminary/Final Planned Unit Development Site Plan, has revised the drive-through exit from Building 3 to be more rectilinear, has revised the sidewalk crossing Lies Road to be at the stop bar, and has relocated the ordering station for Building 2 to accommodate five stacking spaces.

Access:

At this time, the petitioner's westerly lot, which is a flag lot having frontage on Schmale Road and St. Charles Road, is subject to an access easement agreement to the benefit of the *Village Tavern*, which uses the St. Charles Road drive for both access and parking. Staff's research into previous zoning approvals for the *Village Tavern* indicate that the parking requirement for the restaurant is met through the use of the St. Charles Road drive, and that the *Village Tavern* has an easement allowing their customers to use the drive for access and parking. The petitioner's proposed site plan involves the closing of the existing access drive from St. Charles Road and replacing it with a new access drive to be located immediately to the east. Access to the *Village Tavern* from the new St. Charles Road entrance would be provided by means of a connection at the south side of the *Village Tavern* lot. The existing drive would continue to be used for parking by the *Village Tavern*, so adequate parking for that restaurant would be maintained. The petitioner is in the process of negotiating a new access easement agreement with the *Village Tavern* to reflect the proposed conditions. This matter should be determined prior to bringing the proposed PUD Plan to the Village Board for approval.

Plat of Consolidation

As noted above, the petitioner's property consist of two parcels. Staff's recommendation is for the petitioner to prepare a plat of consolidation so that the property lines between the two parcels will not create building and zoning code setback issues, and the petitioner has agreed to do so. The plat of consolidation is not necessary until such time as the petitioner applies for a building permit.

Engineering Issues:

Early in the staff review process for the proposed project, Engineering Services identified, on both of the petitioner's parcels, wetlands that would be affected by the proposed development. The wetlands on the easterly (unincorporated) parcel are under the jurisdiction of DuPage County, while those on the westerly (incorporated) parcel are under

the jurisdiction of Carol Stream. The petitioner has applied for approval from DuPage County for his wetlands mitigation plan for both parcels, and the Village Engineer has approved this course of action for simplicity. The County has not yet approved the petitioner's wetlands mitigation plan, and it is important to note that, once the property is annexed, the Village of Carol Stream assumes jurisdictional authority for the wetlands plan approval; therefore, the wetlands mitigation plan should be approved by the County prior to bringing the proposed annexation to the Village Board for approval. In addition, the petitioner's proposed stormwater management plan calls for a connection to the stormwater management facilities on the adjacent *Westhaven Apartments* property. The petitioner is in the process of obtaining easement rights for this connection. This matter should be completed prior to bringing the proposed PUD Plan to the Village Board for approval.

Sign Code Variations:

The petitioner's Sign Code variation requests for the proposed ground sign at the Schmale Road frontage consist of ⁽ⁱ⁾ a sign height of 14 feet as opposed to the Sign Code maximum of six feet, and ⁽ⁱⁱ⁾ a sign area of 120 square feet as opposed to the Sign Code maximum of 96 square feet. As noted above, the PC/ZBA continued the petitioner's variation requests until such time as staff could work with the petitioner to further evaluate and possibly modify his request. Staff is in the process of doing this, and we invite comments from the Village Board on these requests.

To summarize, this report is being brought to the Village Board for purposes of information and comment. Items for which staff seeks Village Board direction or comment are as follows:

1. Staff requests direction from the Village Board with respect to moving forward with the completion of a proposed annexation agreement and the scheduling of a future public hearing at such time as the petitioner has resolved the issues identified above.
2. Staff invites Village Board comments to be addressed prior to bringing the petitioner's requests back for final action.
3. Staff invites comments from the Village Board with respect to the petitioner's requests for Sign Code variations.

RJG:bg

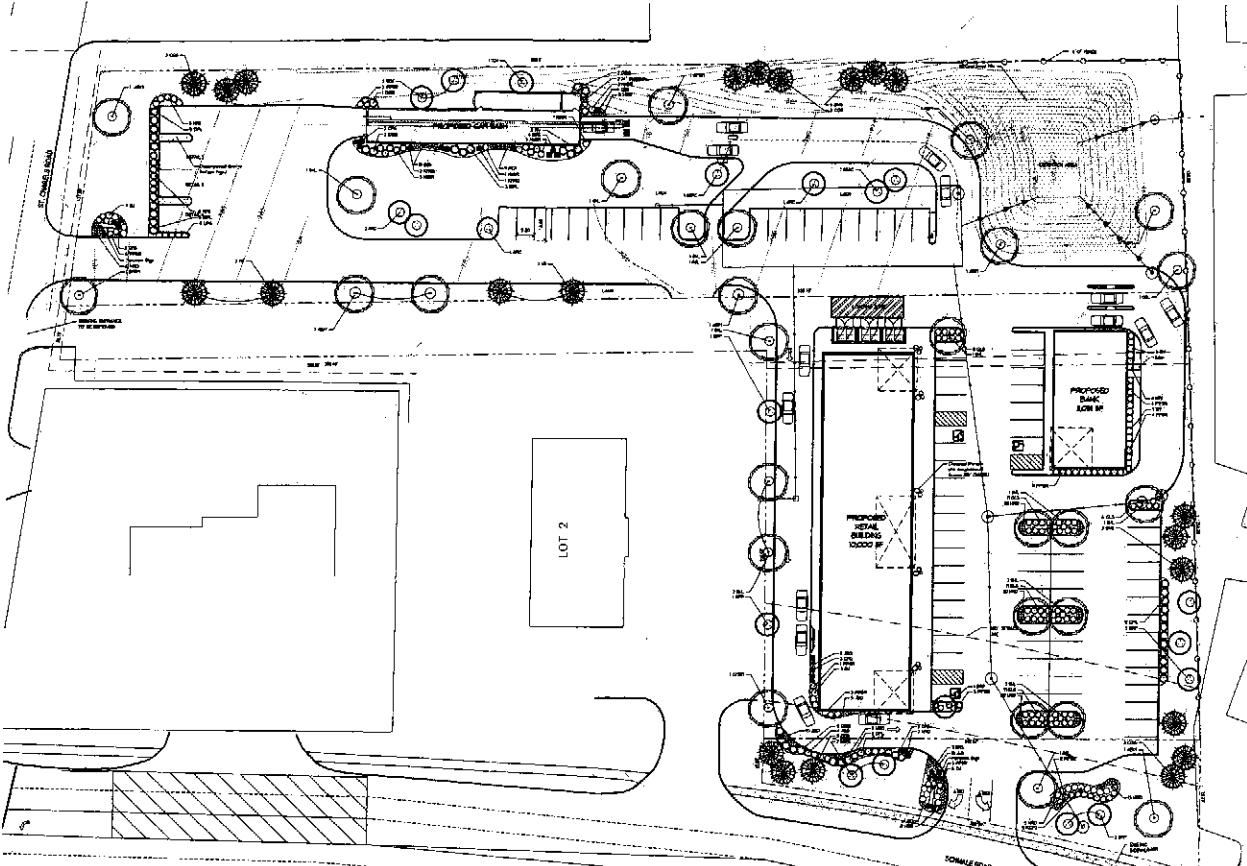
c: Mario Spina, via fax, (630) 668-9114

t:\planning\plan commission\staff report\2008 staff reports\07136b.spina.pudsuprezon.doc



Joint Utility Locating Information for Elocators
 10 North Wilson, Box 419
 Chicago, IL 60614
 Call 1-800-828-8888

Quantity	Plant Name	Quantity	Plant Name
100	100' x 100' x 100'	100	100' x 100' x 100'
...



LANDSCAPE PLAN
 SCALE: 1" = 30'

Plant Name	Quantity	Plant Name	Quantity
...

PLANT & MATERIAL LIST / SEED MIX
 SCALE: None



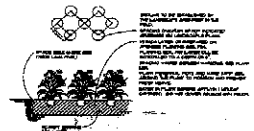
1 DETAIL SHADE TREE PLANTING



2 DETAIL EVERGREEN TREE PLANTING



3 DETAIL SHRUB PLANTING



4 DETAIL PERENNIAL PLANTING

PLANTING DETAILS
 SCALE: None

GLEASON ARCHITECTS, P.C.
 289 Mansfield Drive, Unit A
 Suite 200, Chicago, IL 60604
 Phone: (312) 464-4200
 Fax: (312) 464-4700
 Email: ggleason@gleason.com

ISSUED	DATE
FOR APPROVAL	
FOR PERMIT	
FOR BID	
FOR CONSTRUCTION	

REVISION	DATE
1	
2	
3	

HELLER & ASSOCIATES, LLC
 LANDSCAPE ARCHITECTS
 712 Jones Avenue
 Northbrook, Illinois 60062
 Tel: (847) 488-8100
 Fax: (847) 488-8100
 Email: holler@heller.com

PROJECT: COMMERCIAL CENTER
 SCHMIDT ROAD NEAR ST CHARLES
 CAROL STREAM, IL
 CLIENT: HELLER & ASSOCIATES
 381 ST. CHARLES ROAD
 CAROL STREAM, IL 60830

JOB NO: 01-201
 DATE: 4-21-2008
 FILE: L10
 PLOT SCALE:
 OWNER APPROVAL:

SHEET TITLE
 Final Planned Unit
 Landscape Plan

SHEET NUMBER
L10



MAY 28 2008

For Recorders Use

REC'D
MAY 28 2008

GRANT OF EASEMENT

THIS EASEMENT AGREEMENT is hereby entered into between Angel Associates LP ("ANGEL") and JM Sunvest Enterprises, LLC, ("SUNVEST") DATED THIS 22 day of May, 2008.

WHEREAS, ANGEL is currently the title holder of record of property more completely described on Schedule A attached hereto, and

WHEREAS, SUNVEST is currently the title holder of record of property more commonly known as 291 S. Schmale Road, Carol Stream, Illinois, and

WHEREAS, SUNVEST presently leases the property commonly known as 291 S. Schmale Road, Carol Stream, Illinois, to The Village Tavern and Grill of Carol Stream, Inc. which operates the same as "The Village Tavern," and

WHEREAS, ANGEL has agreed to grant Sunvest, and its present lessee of the property at 291 S. Schmale Road, Carol Stream, Illinois, a non-exclusive cross access easement over a portion of property owned by Angel on the property listed on Schedule A hereto, and .

WHEREAS, the parties hereto intend to ensure that each of the parties is permitted to use said portion of said property exclusively for ingress and egress, except where otherwise permitted in this Agreement.

NOW THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties agree as follows:

1. **Preambles.** The foregoing preambles to this agreement are hereby adopted and fully incorporated within and hereby made a part of this agreement as though fully set forth hereafter. Preambles.
2. **Grant of Easement.**

(a) **FROM ANGEL TO SUNVEST:**

Angel hereby grants unto Sunvest, a non-exclusive cross access easement as depicted on the Plat of Development (a copy of which is attached as Schedule A hereto), for ingress and egress from the adjacent lot owned by Sunvest. Such easement shall be non-exclusive, meaning that Angel shall have the right to employ such portion of property for ingress and egress of traffic as well. The parties hereto acknowledge that the Village of Carol Stream, in the process of approval of the plat of development of the property upon which the easement area is located, may restrict the ingress and egress of traffic to precise areas and curb cut areas from the property of Sunvest to the property identified on Schedule A hereto.

(b) **OBLIGATIONS UNDER THE EASEMENT:**

(i) Sunvest agrees, in consideration of the grant of the easement herein by Angel, to maintain sufficient insurance, for the benefit of the parties hereto, for injuries to person or property on the ingress and egress area identified on Schedule A, and shall bear the cost of maintenance of the portion of the property granted in this easement, including, but not limited to: snow removal, maintenance of roadway surfaces, including seal-coating, repair of surface cracks, holes, fissures or other impairments to the surface of the roadway; washing the area down, as needed, and maintaining the easement in a safe condition. Sunvest acknowledges that its portion of such costs amounts to twelve percent (12%) of the amount thereof, and agrees, within 10 days after submission of an invoice for such services and costs to remit the same to Angel. Sunvest agrees to pay for all costs, expenses, and reasonable Attorneys Fees incurred by Angel in collecting the same.

(ii) Sunvest shall keep the area clean and free of garbage. Sunvest will also ensure that there are no impediments to the access to or egress of traffic over the easement property.

3. **Non-Interference.** Sunvest, for itself, its successors, assigns, agents and invitees, agrees not to cause or allow damage to the land of Angel as a result of use of this easement. In the event that damage to the land of Angel does occur by reason of Sunvest's use of the property (or by reason of any agent or invitee thereof), Sunvest shall promptly repair the damage at its sole expense.

4. **Prohibitions.** Sunvest shall not erect any signs on the easement area or roadway related thereto, nor shall Sunvest paint any markers on the surface of the roadway, erect any fences, maintain any refuse containers, or erect or maintain improvements of any kind whatsoever. No parking shall be permitted at any time on the easement area or roadway related thereto by Sunvest or any customers of Sunvest, and the Grantor herein, as the owner of the property upon which the easement is located, may, in its discretion, remove any vehicles which are parked in violation of this prohibition. Sunvest shall advise its customers of the possibility of towing of vehicles parked upon the easement area or roadway related thereto and of the incidental towing and storage charges related thereto. Angel shall not be liable for any damage resulting to any vehicle improperly parked or which is towed by reason of violation of this agreement by an independent towing contractor engaged by Angel to enforce the parking prohibition.

5. **Binding Effect/Duration of Easement.** Subject to the termination provisions herein set forth, this easement shall run with the land and shall be binding upon and shall inure to the benefit of the parties hereto, including the existing lessee of Sunvest presently operating the business at 291 S. Schmale Road, Carol Stream, Illinois, and their respective heirs, representatives, successors and assigns. Sunvest shall, independent of this Grant of Easement, secure and deliver to Angel, contemporaneously with the execution of this instrument, the written acknowledgement of its lessee to the terms hereof, and its lessee's written consent to be bound by the terms and conditions of this easement. This easement shall absolutely terminate upon the date the parties hereto jointly consent to termination of this easement or upon a condemnation taking by appropriate authorities. In the event of a taking of the property, Sunvest shall not be entitled to any compensation thereto, nor shall Sunvest be entitled to any access for ingress and egress in substitution for the area which is granted herein. Sunvest waives any loss or damage to Sunvest as a result of the exercise of the power of eminent domain by any governmental body, and the right to receive any portion of any condemnation award, as a participant in the condemnation proceedings or otherwise, whether such loss or damage results from the condemnation of part or all of the easement property. Sunvest further acknowledges that Angel's development plans for the property upon which the easement is located include, at present, the construction of the roadway for egress and ingress, but are subject to the approval of local governmental authorities and that such plans may be amended or modified, at the suggestion or insistence of said authorities. Should such modification or amendment exclude the use of the property for ingress or egress, or should any conditions be imposed upon the property's use for such purposes by local governmental authorities, this easement agreement shall be modified, to the extent possible to accommodate such modifications and amendments, and in the event it is not possible to provide for the easement intended by the parties hereto as a result of conditions imposed by governmental authorities, this easement agreement shall be null and void.

The easement granted herein, and the covenants herein contained, shall run with the Land.

6. **Recording of Easement.** This easement agreement shall be recorded in the Office of the Recorder of Deeds of Dupage County, Illinois. Fees for recording this agreement shall be solely the cost of Sunvest.

7. **Entire Agreement.** This Agreement, together with Schedule A, contains the entire Easement Agreement between the parties respecting the matters set forth herein and supersedes all prior agreements between them. This Agreement may only be modified by a writing signed by the representatives of both parties. A purported oral modification of this Agreement shall not be effective.

Should any provision contained herein be declared invalid, unenforceable or illegal, by any Court, Administrative Ruling or Statute, whether State or Federal, or by any action taken by local governmental authorities, the offending provision shall be stricken from this Agreement and the balance of the Agreement shall be construed, to the extent possible, to carry forward the intentions of the parties hereto.

8. **Governing Law.** This Agreement shall be construed, and enforced in accordance with the laws of the State of Illinois.

9. **Notices.** Notice given hereunder shall be in writing, signed by the party giving notice and delivered by any one of the following methods: [a] Personal delivery; [b] certified or registered mail, return receipt requested; [c] overnight courier service, provided a receipt therefore is maintained in the ordinary course of business.

Notices, if given to Angel, shall be given at the following address, or at the principal place of business of Angel:

Angel Associates LP
381 E. St. Charles Road
Carol Stream IL 60188

Notices, if given to Sunvest, shall be given at the following address:

JM Sunvest Enterprises, LLC
c/o Michael Coughlin

291 S. Schmale Road
Carol Stream, IL 60188

IN WITNESS WHEREOF, the parties hereto have signed their signatures, on the ___ day of May, 2008

ANGEL ASSOCIATES LP

By: [Signature]
A duly authorized agent

5-28-08
Dated

JM Sunvest Enterprises, LLC

By: [Signature] Member
[Signature] member


5-22-08
Dated 5-22-08

AGENDA ITEM

6-1 6-2-08

Village of Carol Stream INTER-DEPARTMENTAL MEMO

TO: Mayor & Trustees

FROM: Joseph E. Breinig, Village Manager 

DATE: May 29, 2008

RE: Fourth of July Parade Donation

Attached for your review and consideration is a request from the 4th of July Parade Committee for a donation of \$17,831 for this year's parade. Sufficient funding for the parade is budgeted in the Miscellaneous Events/Activities line item in the Town Center program of the General Fund. Of the \$17,831 requested, \$4,337.80 will come from resident donations on the water bill. In 2007 the request was \$18,017 and resident donations amounted to \$4,192.00. A similar request was made in 2006. Staff recommends approval of the amount requested. A payment of \$17,831 is on the payables for the June 2, 2008 meeting.

Attachment

PARADE BUDGET 2008 Proposed


EXPENSE	COST
Videographer and editing	1000
Entertainment	17,000
Candy	2,214
Carts	1050
Radios	900
PO Box	28
Website	119
State fees	50
Signs and banners	300
Bus	170
Postage and Stationary	100
Decorations	100
Misc.	300
Float	700
Fuel	200
Flags	300
Vests for volunteers	300
TOTAL	24,831
Checkbook balance	7000
Total needed	17,831

AGENDA ITEM

G-2 6-2-08

Village of Carol Stream **Interdepartmental Memo**

TO: Joe Breinig, Village Manager

FROM: John A. Turner, Director of Public Works 

DATE: May 20, 2008

RE: Evergreen Drive – Tubeway Drive Lift Station Design

Included in the current capital improvement plan are the replacement of the Evergreen Drive Sanitary Lift Station in FY10, and the replacement of the Tubeway Drive Storm Water Lift Station in FY11. Also included is the design of both facilities in the current FY09 budget in the amount of \$50,000 and \$30,000 respectively.

Attached is the proposal from Baxter & Woodman consulting engineers to provide the design services of both stations and the bidding services of the Evergreen station, in the lump sum amount of \$70,500. As indicated in their proposal, Baxter & Woodman were the engineers who provided the 2003 overall evaluation of the Village's lift stations and provided the design and construction supervision for the reconstruction of both the Charger Court and the Tubeway Drive sanitary lift stations. Both of these projects were completed in a timely manner, and the design and eventual construction of both facilities have resulted in excellent capital improvement projects for the Village. The design team proposed for the design of the two new facilities would be the same design team used on the previous two facilities, therefore providing us with the same consistently-designed facilities.

It is my recommendation that Baxter & Woodman consulting engineers of Crystal Lake, Illinois, be awarded the engineering design services contract for the design of replacement facilities for both the Evergreen Sanitary Lift Station and the Tubeway Drive Storm Water Lift Station replacement as outlined in the attached proposal. The proposed fee is within the budgeted amount as outlined in the capital improvement project for design of these facilities.

JAT:lm



Mr. John "Al" Turner
Director of Public Works
Village of Carol Stream
124 Gerzevske Lane
Carol Stream, Illinois 60188

May 15, 2008

Subject: Village of Carol Stream – Evergreen Drive Sanitary Sewer Lift Station and Tubeway Drive Storm Water Pumping Station Replacement

Dear Mr. Turner:

Baxter & Woodman, Inc. is pleased to present the Village with our proposal to provide engineering services for the Evergreen Drive Sanitary Sewer Lift Station and Tubeway Drive Storm Water Pumping Station Replacement project.

Project Overview

In 2003, Baxter & Woodman, Inc. prepared an evaluation and planning study that assessed the condition of the Village's three "flooded suction – prefabricated metal structure-type sanitary stations" that were installed in the mid 1970's, located on Charger Court, Tubeway Drive, and Evergreen Drive. The report recommended that all three prefabricated metal structure stations should be replaced with the more modern submersible pump stations. The recommendations made in that study resulted in the replacement of the Charger Court pumping station in 2005, and the Tubeway Drive Lift Station in 2006. Baxter & Woodman prepared the design plans and provided construction services for the necessary improvements.

The Village now wishes to replace the final station noted in the study, the Evergreen Drive lift station. In addition, they wish to replace the storm water pumping station located on Tubeway Drive.

In order to economize the design and facilitate the Village's budget, the projects are to be designed and permitted as a single design project, but bid in separate years. This will require the creation of two sets of drawings and specifications for bidding purposes.

8678 Ridgely Road

Crystal Lake, IL 60012

815.459.1260

Fax 815.455.0450

info@baxterwoodman.com



Similar Project Experience

Baxter & Woodman is uniquely qualified to provide design and construction engineering services for this project. We not only have completed several similar projects, we also bring to your project knowledge of Village procedures, design preferences, contract documents, specifications and overall familiarity with the geographic area.

Key Personnel

Brief summaries of the project team members appear below; detailed resumes are available upon request. The designer of the stations will be Tom Puralewski, who is very familiar with Village requirements, since he was the author of the sewer study, and designer of the two previous lift stations recommended in the study. The remaining designers are the same team members that designed the previous two lift station replacements for the Village.

Thomas F. Puralewski, PE – Infrastructure Senior Engineer

- 30 years of experience
- Tom serves as project manager and project engineer for the design of a variety of water main, water system planning, sanitary and storm sewer projects. Tom is also our top “go-to pump man” for design of submersible pumping stations. A specialist in underground infrastructure, Tom has extensive resident engineering experience in the field of water and sewer construction.

Denny J. Mullaney, Electrical Engineer

- 45 years of experience
- As one of our senior electrical engineers, Denny offers seasoned experience in electrical planning and design of municipal water and wastewater engineering projects. His responsibilities include design specifications for water and wastewater electrical power instrumentation and controls, and street lighting projects.

Brian A. Bromley, Structural Engineer

- 12 years of experience
- Brian provides feasibility analysis and structural design of various municipal structures including water and wastewater treatment plants, pumping stations and water storage facilities. He also provides analysis



Mr. John A. Turner
Village of Carol Stream

May 9, 2008
080558.10 • 080559.10 • Page 3

and structural design of transportation facilities including retaining walls, highways, bike paths and pedestrian bridges.

Domingo C. Coronel, SCADA Engineer

- 9 years of experience
- Domingo provides the planning, design, and management of electric power and SCADA Systems for municipal water and wastewater projects including: elevated storage tanks and booster stations; wastewater pumping stations; electric power distribution, street lighting, and control system integration. His responsibilities include the overview of all design specifications for water and wastewater electrical power instrumentation and controls.

Craig D. Mitchell, PE – Construction Services Group Leader

- 19 years of experience
- Formerly with the Illinois Department of Transportation, Craig has served as construction manager on numerous large, complex infrastructure improvement and transportation projects.

Scope of Services & Engineering Fee

Enclosed please find a prepared Engineering Services Agreement, which outlines the scope of services and engineering design fee for the Replacement of the Evergreen Drive Sanitary Lift Station and the Tubeway Drive Stormwater Pumping Station project.

At the request of the Village, the scope of the project includes the design, and permitting of both stations; including providing a separate set of drawings and specifications for each station. The proposal includes bidding services for one station only. Because of the delay in bidding of the second station, bidding assistance should be included in the construction services agreement for the second station. The Village anticipates bidding the Evergreen Drive station in 2009, and bidding the Tubeway Drive station sometime in 2010. The fee for these services is a lump sum amount of \$70,500.

We appreciate the opportunity to work with you on this important project. **If you find this proposal acceptable, please return a signed copy of the Engineering Services Agreement for our files as authorization to proceed.**

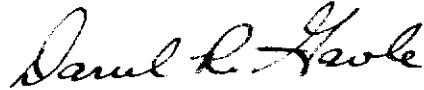
Mr. John A. Turner
Village of Carol Stream

May 9, 2008
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If you have any questions or need additional information, please do not hesitate to call me or Lyle Hammer.

Very truly yours,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS




Darrel R. Gavle, PE, BCEE
President/CEO
LDH:jak

Enclosure

Village of Carol Stream
INTER-DEPARTMENTAL MEMO

TO: Mayor & Trustees

FROM: Joseph E. Breinig, Village Manager 

DATE: May 22, 2008

RE: Additional Red Light Camera Authorizations

As the accompanying memorandum indicates, Redflex, our contractor for the installation of red light cameras has approved the installation of additional cameras at two locations. Redflex has recommended the installation of cameras on northbound Gary Avenue at Lies Road and southbound Gary Avenue at Lies Road. Direction was given to proceed at the May 19th Village Board meeting. Ratification of that direction is requested at the June 2nd meeting.

Attachment

Village of Carol Stream

Interdepartmental Memo

TO: Village Manager Joe Breinig

FROM: 
Chief Rick Willing

DATE: May 20, 2008

RE: Police Department requests that the Village Board designate and approve the installation of Automated Traffic Law Enforcement Systems (red light cameras) at two Gary Avenue intersection approaches.

Redflex has completed their analysis of the additional proposed intersections for Automated Traffic Law Enforcement Systems (red light cameras). Based upon their analysis they have initially approved the installation of ATLE systems at the following intersection approaches in Carol Stream:


- Northbound Gary Ave. at Lies Rd.
- Southbound Gary Ave. at Lies Rd.

Pursuant to the requirements of Carol Stream Village Ordinance 2008-02-06, I request that the Village Board designate and approve the above listed intersection approaches for installation of ATLE systems.

Upon Village Board approval, we will contact the DuPage County Department of Transportation to determine the permitting process for these county-controlled intersection right of ways.

G-4 6-2-08

Village of Carol Stream Interdepartmental Memo

TO: Joseph Breinig, Village Manager
FROM: William N. Cleveland, Assistant Village Engineer 
DATE: May 29, 2008
RE: 2008 Asphalt Rejuvenator Project – Request to Waive Bidding and Award Contract

In 2004 Engineering staff tested a new product called GSB-88 to alleviate problems of slow curing time, excessive sand, and generally messy conditions. The new product exceeded our expectations and provided the added benefit of waterproofing and an initial black color. From 2005 through 2007 we did the entire project with GSB-88.

The product is proprietary and is not able to be funded through IDOT Motor Fuel Tax dollars. As such, it is also unable to be competitively bid, as only one contractor has the rights to apply the product in this area. Staff has therefore negotiated a unit price for application of the product.

Engineering is proposing to rejuvenate and seal only the streets repaved in 2007 and some of the streets crackfilled this year. Midwest Tar has provided a quote of \$0.76 per square yard for 240,000 square yards of pavement rejuvenation, an 11% smaller project than last year's. This is a \$0.11 per square yard (17%) increase over last year's price of \$0.65 per square yard. Although we typically award this project in the fall, this year we are proposing to award the contract early to head off future price increases this summer.

Engineering staff therefore recommends that the bid process be waived and the 2008 Asphalt Rejuvenator Project be awarded to American Road Maintenance (formerly Midwest Tar Sealer Company) at the negotiated unit price for a cost not to exceed \$182,400. The budget for rejuvenation is in Public Works street maintenance this year in the amount of \$185,000.

Cc: James T. Knudsen, Director of Engineering Services
Stan Helgerson, Finance Director
Al Turner, Director of Public Works

Attachment



1485 E. Thorndale
Itasca, IL 60143
630.417.0227
630.729.3033 Fax

April 16, 2008

Village of Carol Stream
500 North Gary Avenue
Carol Stream, IL 60188
630.871.6220 X-6408
Attn: Mr. Bill Cleveland
wccleveland@carolstream.org

Re: Various Streets
Carol Stream

Dear Mr. Cleveland:

We propose to furnish labor and materials to complete the items listed below:

SEALING:	
	<i>GSB-88 Asphaltic Rejuvenator</i>

Clean specified area free of foreign matter such as dirt and gravel. Scrape and broom oil and grease spots. Apply the appropriate amount of GSB-88 Rejuvenator based on pre-test results. GSB-88 is a pavement rejuvenator designed to protect and restore plasticity, retard aging, and prevent loss of durability in bituminous pavement. GSB-88 protects and preserves bituminous pavement by sealing, penetrating and rebinding the asphaltic mix together. This penetrating action plasticizes the binder of the asphalt.

Specification:

Pre-test pavement to determine proper application rate based on existing pavement conditions.
GSB-88 Rejuvenator shall be applied at appropriate rates based on pre-test results.

240,000 Square Yards of Pavement Rejuvenation @ \$0.760 \$182,400.00

TOTAL:

Pavement Rejuvenation GSB-88: \$182,400.00

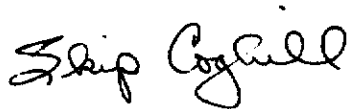
Total Cost: \$182,400.00

RESTRICTIONS:

- 1 . Above prices will be held through the June 30th, 2008.
- 2 . Above quantities were provided by your organization and are estimates only. Upon completion of work, field measurements will be taken and the total cost will be actual field measurements times unit costs.
- 3 . Number of trips rejuvenation price is based: Several
- 4 . Price does not include permits, bonds or material testing

Thank you for the opportunity to bid this project with your organization.

Sincerely,

A handwritten signature in cursive script that reads "Skip Coghill". The letters are fluid and connected, with a prominent loop on the "C" in "Coghill".

Skip Coghill

If you wish to accept this proposal, please date, sign, and return one copy to above address:

Date _____

Signature _____

4-1 6-2-08

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 5-7-5 OF THE
CAROL STREAM CODE OF ORDINANCES
MOTOR VEHICLE LICENSE LATE CHARGES**

WHEREAS, the ordinances of the Village establish license fees for various vehicles; and

WHEREAS, a significant number of persons who are obligated to purchase such licenses failed to do so promptly; and

WHEREAS, there are extra administrative and prosecutorial charges associated with the collection of the late payment of such license fees; and

WHEREAS, in Section 5-7-5 of the Carol Stream Code, provisions have been established for late charges; and

WHEREAS, it is the desire of the Corporate Authorities to increase late fee charges to reflect increased costs of enforcement and collection of late charges.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That Section 5-7-5, Late Charges, shall be amended to read as follows:

- (B) In addition to payment of any other fees specified in this section, any person who violates the provisions of this section shall be fined a \$20 late fee for vehicle licenses purchased between July 1, 2008 and July 31, 2008 and a \$100 late fee for vehicle licenses purchased after July 31, 2008. Hereinafter, a \$100 late fee shall be charged for vehicle licenses purchased after July 31st.**

SECTION 2: This Ordinance shall be reprinted in the loose-leaf volume of the Carol Stream Code of Ordinances.

SECTION 3: This Ordinance shall take effect upon its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JUNE 2008.

AYES:

NAYS:


ABSENT:

Frank Saverino, Sr., Mayor

ATTEST:

Beth Melody, Village Clerk

Village of Carol Stream
INTER-DEPARTMENTAL MEMO

TO: Mayor & Trustees
FROM: Joseph E. Breinig, Village Manager 
DATE: May 29, 2008
RE: Vehicle Licenses – Fines

At the May 5, 2008 Village Board meeting concerns were expressed about vehicle sticker scofflaws. A report on vehicle stickers was subsequently presented at the May 19th Village Board meeting. Following discussion of current vehicle sticker policy and existing penalty provisions for vehicle owners who fail to purchase and display stickers, direction was given to amend the municipal code to increase the penalty. Attached for Village Board review and direction is an ordinance increasing fines to \$20 from July 1 through July 31, 2008 and \$100 from August 1, 2008 thereafter. The fine is in addition to the increased cost of a vehicle sticker purchased after the July 1st due date.

Staff was asked to survey neighboring communities to determine fines for vehicle sticker violations. The following communities were contacted:

Bartlett	No response
Bloomingtondale	No vehicle sticker.
Glen Ellyn	\$50.00 citation
Glendale Heights	A \$50 citation can be issued every 24 hours for failure to purchase and/or display a current vehicle sticker.
Hanover Park	No vehicle sticker
Wheaton	No vehicle sticker
Winfield	No vehicle sticker

For purposes of comparison the ticket for failure to display a current/valid license plate sticker is \$75.00 and is significantly greater if found guilty in court.

If the ordinance is approved on June 2nd staff will immediately begin the public education program necessary to advise vehicle owners of the new fines. The attached letter from Police Chief Willing is sent out in August and can be modified to address new fine amounts. The new fines will not take effect until August 1st and will allow nearly two full months to educate the community.

Attachment

Dear Resident:

We would appreciate your help in bringing our vehicle license records up to date. Our records indicate that a 2007-2008 Village vehicle license has not yet been purchased for the vehicle(s) listed below, which according to our records is registered to your address. If this vehicle has been sold, is no longer housed in the Village, or if a license was not purchased for some other reason, please indicate so on the attached application and fax (665-7058) or mail it to us so that we can correct our records. If the vehicle listed below was sold, and has been replaced by another vehicle, please make corrections on the attached application form. (Company owned or leased vehicles are subject to the Village vehicle license ordinance if they are not licensed in another community.) If you have already purchased a 2007-2008 license for this vehicle, enter the current Village license number that appears on your windshield sticker on the attached application and return to the Village.

If none of the above applies, and the vehicle is still in your possession, then it is required to have a 2007-2008 Village vehicle license as of July 1, 2007. Failure to purchase and display a current Village vehicle license is in violation of Village ordinance 5-7-2 and is subject to a fine. **The amount shown below is only good until September 30, 2007.** Starting October 1, 2007, the amount due is increased by \$5.00. If you have not already done so, please purchase your vehicle license today.

Thank you for your assistance.

Sincerely,



Rick Willing
Chief of Police

Village of Carol Stream
Interdepartmental Memo

TO: Joseph Breinig, Village Manager
FROM: James T. Knudsen, Director of Engineering Services
DATE: May 27, 2008
RE: DuPage County Countywide Storm Water And Flood Plain Ordinance - Fee in lieu of Best Management Practices (BMP) Program



The new DuPage County Countywide Storm Water And Flood Plain Ordinance (Ordinance), which will become effective August 1, 2008, allows municipalities to also adopt their own Fee in lieu of BMP Program. This program permits developers to pay a fee in lieu of meeting BMP requirements. The developer may elect to pay a fee in lieu of providing water quality BMPs under the following conditions:

Single or Two Family Residential Uses

- 1) A storm water management permit is required, and
- 2) The development is not required to provide site runoff storage (detention/retention), and
- 3) Payment of the fee is made prior to issuance of a storm water management permit.

Multiple Family or Non-Residential Uses and Roadway Developments

- 1) A storm water management permit is required, and
- 2) The development is not required to provide site runoff storage (detention/retention), and
- 3) The Administrator (Village Engineer) has determined that it isn't practical to install water quality BMPs, and
- 4) Payment of the fee is made prior to issuance of a storm water management permit.

DuPage County has adopted the following fee schedule:

<u>Land Use or Development</u>	<u>BMP Cost Per Acre</u>
➤ Single or two family residential land uses	\$3,000 per acre
➤ Religious institutions defined under Sec. 15-40 of the Illinois Property Tax Code and governmental entities, not to include roadways or parking lots	\$3,000 per acre
➤ Multiple family or non-residential land uses	\$15,000 per acre
➤ Roadway developments	\$30,000 per acre

The fee is calculated by multiplying the appropriate BMP cost per acre by the area in acres that is not being effectively treated. The Village may adopt this fee schedule or their own if it is consistent with Section 15-116 of the Ordinance and the fees are reasonable and rational to construct and maintain similar BMPs for those areas of development that remain without effective water quality treatment. Staff participated in the formation of the fees through the Municipal Engineers Conference and concur these fees are reasonable and rational as adopted by DuPage County.

The fees paid into the program can be used by the Village solely to design, construct and maintain water quality improvements. These could include pond shoreline and stream bank erosion control projects or their maintenance, or they can be given to another governmental agency (municipality or County) that has a qualified program. They can not be used to fulfill obligations required under the Ordinance.

The County may require the Village to provide documentation that accounts for how and where these funds were used. Also the fees must be refunded to the person who paid the fee if the Village fails to encumber the fee within ten years from the date the fee was collected. Therefore adequate accounting measures will be necessary to track these fees.

By the Village establishing this program, a developer would pay into the Village's program rather than the County's program. The collected fees can then be used to meet Village storm water management needs. It will also provide developers with an opportunity to seek relief in hardships through the Village rather than the County. Therefore, staff recommends the adoption of this ordinance establishing a Fee in lieu of Best Management Practices Program.

Cc: Stan Helgerson, Finance Director
William N. Cleveland, Assistant Village Engineer
Matt Streicher, Civil Engineer II

Sec.15-116 (re-number sections from here to 15-130- Page 38) Water Quality BMP Fee-in-Lieu Program.

1. The applicant for single or two family residential land uses that are not specifically exempted by 15-113.11 may elect to pay a fee in lieu of providing water quality BMPS under the following conditions:
 - a. A Stormwater Management Permit is required under section 15-147 of this Ordinance, and
 - b. The development is not required to provide site runoff storage per Section 15-111.2, and
 - c. Payment into a BMP fee-in-lieu program shall be made prior to the issuance of a Stormwater Management Permit.
2. The applicant for multiple family or non-residential land uses and roadway developments may elect to pay a fee in lieu of providing water quality BMPS under the following conditions:
 - a. A Stormwater Management Permit is required under section 15-147 of this Ordinance, and
 - b. The development is not required to provide site runoff storage per Section 15-111.2, and
 - c. The Director or Administrator in a waiver community has determined that it is not practical to install water quality BMPS, and
 - d. Payment into a BMP fee-in-lieu program shall be made prior to the issuance of a Stormwater Management Permit.
3. Development in a non-waiver community or in a waiver community that has not adopted a BMP fee-in-lieu program shall participate in the County's program where:
 - a. BMP fee-in-lieu payment shall be made to the County and is determined by applying the criteria as follows:
 - (1) The adopted fee schedule, attached to this ordinance as Schedule B and by this reference incorporated into this ordinance, that identifies reasonable and rational cost to construct and maintain similar BMPS for those areas of the development that remain without effective water quality treatment.
 - b. Funds collected shall be accounted for in watershed planning area accounts. Funds shall be used in the same watershed planning areas as collected solely to design, construct, and maintain water quality improvements. Funds may not be used to fulfill obligations required by the Ordinance.
 - c. The County Board shall provide accounting on an annual basis of all funds deposited in each watershed planning account and shall account for each fund on a first-in, first-out basis.
 - d. The Committee may prioritize and allocate funds on an annual basis within each watershed planning area account. Communities may make a request to the Committee by June 30th of each year for funds within the watershed planning accounts for uses as identified in Section 15-116.3.b.

ARTICLE 9. REQUIREMENTS FOR STORMWATER AND FLOOD PLAIN MANAGEMENT.

- e. All BMP fee-in-lieu payments are refunded to the person who paid the fee, or to that person's successor in interest, whenever the County fails to encumber the fees collected within ten (10) years of the date on which such fees are collected.
- g. Refunds are made provided that the person who paid the fee, or that person's successor in interest, files a petition with the County within one year from the date on which such fees are required to be encumbered.
- 4. Development in a waiver community shall participate in the waiver community's BMP fee- in-lieu program where the corporate authority has adopted a program that is consistent with Section 15-116. The waiver community may adopt its own fee schedule and designate off-site facilities. Funds may be used in the same community or watershed planning area as collected. All accounting records shall be made available to the Committee upon request.

Sec. 15-116117. Erosion and Sediment Control Requirements.

1. Erosion and sediment control features shall be considered as part of any development's initial site planning process. The developer's engineer should consider the following factors in the overall site design:
 - a. The susceptibility of the existing soils to erosion.
 - b. The natural contours of the land.
 - c. Existing native and mature vegetation.
 - d. Existing natural or established drainageways.
 - e. Emphasize erosion controls first then address sediment control.
2. All developments, whether a permit is required or not, shall incorporate stormwater management measures that control and manage runoff from such developments, as provided in this section. Temporary erosion and sediment control measures shall be functional and consistent with the information and requirements of this entire section before land is otherwise disturbed on the site. These measures shall be maintained during both the construction season and any construction shutdown periods until permanent erosion and sediment control measures are operational.
3. Soil erosion and sediment control measures shall be appropriate with regard to the amount of tributary drainage area as follows:
 - a. Disturbed areas draining less than 1 acre shall, at a minimum, be protected by a filter barrier or equivalent to control all runoff leaving the site. The use of straw bales for this purpose is prohibited.
 - b. Disturbed areas draining more than 1 but fewer than 5 acres shall, at a minimum, be protected by a sediment trap or equivalent control measure.
 - c. Disturbed areas draining more than 5 acres shall, at a minimum, be protected by a sediment basin or equivalent control measure.

ARTICLE 9. REQUIREMENTS FOR STORMWATER AND FLOOD PLAIN MANAGEMENT.

Sec. 15-111. through 15-122.

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING A FEE IN LIEU OF
BEST MANAGEMENT PRACTICES PROGRAM**

WHEREAS, the Counties' Act at 55 ILCS authorizes DuPage and other counties to adopt a County Storm Water Management Plan and to prepare county-wide storm water and flood plan ordinances, which are consistent with that plan; and

WHEREAS, DuPage County has adopted and amended a County Storm Water and Flood Plain Ordinance (County Ordinance); and

WHEREAS, the State Enabling Act and the County Ordinance permit municipalities within the County to become full or partial waiver communities; and

WHEREAS, the Village of Carol Stream, through the passage of its own Storm Water Ordinances (Village Ordinances), has been recognized by the County Storm Water Management Committee as a full waiver community, and has administered a storm water program for more than sixteen (16) years; and

WHEREAS, a full waiver municipality is granted the power and authority to establish a Fee in lieu of Best Management Practices (BMP) Program.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWER, as follows:

SECTION 1: Where the Administrator or his designee has approved an application meeting the requirements of Section 15-116 of the County Ordinance to pay a fee in lieu of providing water quality BMPs, the applicant shall be required to make a payment into a fee in lieu of BMP program prior to the granting of the permit to construct the project to which the BMP relates. For that purpose, the Village hereby adopts its own fee in lieu of BMP program. Funds collected under that

program shall be accounted for separately in accordance with Section 15-116 of the County Ordinance. Carol Stream, as a full waiver community, is granted the authority to adopt its own fee schedule, designated off-site facilities and to determine whether funds collected are to be used in the same community or watershed planning area as collected. The Village shall furnish all accounting records to the County Storm Water Committee upon request.

SECTION 2: For the purpose of the Village's fee in lieu of SMP program, it hereby establishes the following fee schedule:

Fee in lieu of BMP

Single two family residential land uses	\$3,000 per acre
Religious institutions defined under Section 15-40 of the Illinois Property Tax Code and governmental entities, not to include roadways and parking lots	\$3,000 per acre
Multiple family or non-residential land uses	\$15,000 per acre
Roadway developments	\$30,000 per acre

The Village may establish designated off-site facilities to which all or a portion of the fees collected may be applied. In addition, the Village may designate a portion of the fees collected to be paid into the County's program and to be utilized at the discretion of the County Storm Water Management Committee

SECTION 3: The corporate authorities of the Village of Carol Stream, operating as a full waiver municipality, will continue to possess and exercise the power of administering its storm water and flood plain ordinances until such time as the Village should determine that it no longer wishes to be a full waiver municipality, or until the DuPage County Storm Water Management Committee should, after appropriate proceedings, establish by final determination, that the waiver granted to the Village

shall have been modified or revoked, and establishing the prospective date on which the revocation or modification will be effective.

SECTION 4: This ordinance shall be in full force and effect upon its passage and approval and shall subsequently be published in pamphlet form as provided by law, however, that the application to pay a fee in lieu of providing water quality BMPs shall not be in effect until August 1, 2008.

PASSED AND APPROVED THIS 2ND DAY OF JUNE 2008.

AYES:

NAYS:

ABSENT:

Frank Saverino, Sr., Mayor


ATTEST:

Beth Melody, Village Clerk

H-3 6-2-08

Village of Carol Stream Interdepartmental Memo

TO: Joseph Breinig, Village Manager

FROM: James T. Knudsen, Director of Engineering Services 

DATE: May 27, 2008

RE: Revised DuPage County Countywide Stormwater and Floodplain Ordinance

On April 8, 2008, the County Board adopted revisions to the DuPage County Countywide Stormwater And Flood Plain Ordinance (Ordinance). These changes included revisions to the flood plain, erosion and sediment, permit submittal requirements and enforcement sections of the Ordinance to accommodate new best management practice (BMP) requirements and guidelines. BMPs are "Design, construction and maintenance practices and criteria for storm water facilities that minimize the impact of storm water runoff rates and volume, prevent erosion, and capture pollutants". Basically they help prevent pollutants from being transported to receiving streams and treat storm water runoff before it's released to a receiving stream.

The Village is required to adopt these changes in order to maintain its status as a full waiver community. A full waiver community is allowed to administer all provisions of the Ordinance and issue storm water management permits. A copy of the County's resolution adopting the revisions with the underlined/strike-through version of the revisions is attached. A link to a clean copy of the DCSFPO with all the revisions can be found at:

http://www.dupageco.org/stormwater/generic.cfm?doc_id=1658

The existing Ordinance requires BMPs to be incorporated into all storm water storage facilities as well as soil erosion control measures. This is also a requirement of the U.S. Environmental Protection Agency (EPA) Phase II National Pollutant Discharge Elimination System (NPDES) program that must be addressed in the 5-year permit that was issued to the County and each municipality. The previously revised Ordinance of February 28, 2006 provided requirements and guidance for soil erosion and sediment control BMPs but not for storm water storage facility BMPs. This Ordinance revision provides the requirements and guidance for storm water storage facility BMPs.

In order to remain compliant with the Ordinance and EPA's NPDES Phase II storm water quality permit requirements, these changes to the Ordinance need to be formally adopted by each community. Therefore, staff recommends

approval of the revised DuPage County Countywide Stormwater and Floodplain Ordinance to be effective August 1, 2008.

Cc: William N. Cleveland, Assistant Village Engineer
Matt Streicher, Civil Engineer II

ORDINANCE

OSM-004-07

AMENDMENTS TO CHAPTER 15 OF THE DUPAGE COUNTY CODE - DU
PAGE COUNTY COUNTYWIDE STORMWATER AND FLOODPLAIN ORDINANCE

WHEREAS, the County of DuPage pursuant to authority granted it under 55 ILCS 5/5-1062 and 5/5-15001 *et seq.* and other applicable authority, adopted the *DuPage County Countywide Stormwater and Floodplain Ordinance* (hereinafter referred to as the "Stormwater Ordinance"); and

WHEREAS, the Stormwater Ordinance is further identified as Appendix F to the DuPage County Stormwater Management Plan, as originally adopted under Ordinance SMO-0001-91, dated September 24, 1991 and last revised under Ordinance OSM-001-06 dated February 28, 2006; and

WHEREAS, the DuPage County Stormwater Management Division has worked closely with the municipal engineers of DuPage County communities to develop equitable and effective standards for stormwater management and watershed planning; and

WHEREAS, the proposed Stormwater Ordinance revisions have undergone a thirty (30) day agency, public and community review in accordance with the requirements of the enabling legislation, Section 15-259 of the Stormwater Ordinance, and the DuPage County Stormwater Management Plan; and

WHEREAS, the proposed Stormwater Ordinance revisions include revisions to the floodplain, erosion and sediment, permit submittal requirements and enforcement section of the Stormwater Ordinance; and

WHEREAS, the ordinance changes address requirements set forth by the United States Environmental Protection Agency ("USEPA") National Pollution Discharge Elimination System ("NPDES") Phase II permit issued to the County and its co-permittees; and

WHEREAS, enacting the proposed amendments to the Stormwater Ordinance is in the best interests of the County and its residents; and

WHEREAS, the Stormwater Management Planning Committee of the DuPage County Board has reviewed and recommends approval of the attached revisions to various sections of the Stormwater Ordinance; and

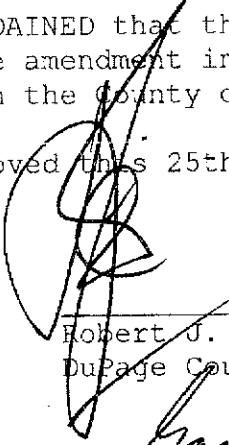
WHEREAS, the Stormwater Management Planning Committee further recommends that the revised Stormwater Ordinance take effect upon adoption by the County Board.

NOW, THEREFORE, BE IT ORDAINED by the DuPage County Board, that the Stormwater Ordinance is hereby amended as attached; and

BE IT FURTHER ORDAINED by the DuPage County Board pursuant to authority granted to the County of DuPage by the Illinois General Assembly the revised DuPage County Countywide Stormwater and Floodplain Ordinance, Chapter 15 of the DuPage County Code shall become effective August 1, 2008; and

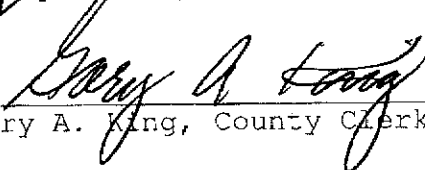
BE IT FURTHER ORDAINED that the County Clerk shall publish this Ordinance amendment in the newspaper of general circulation in the County of DuPage.

Enacted and approved this 25th day of March, 2008 at Wheaton, Illinois.



Robert J. Schillerstrom, Chairman
DuPage County Board

ATTEST:



Gary A. King, County Clerk

Ayes: 15
Absent: 3

*COUNTY OF DUPAGE,
ILLINOIS*

*COUNTYWIDE STORMWATER
AND FLOOD PLAIN ORDINANCE*

Adopted As Appendix F
To The DuPage County Stormwater Management Plan

*DuPage County
Countywide Stormwater
And Flood Plain Ordinance*

Adopted by the County Board of the County of DuPage, Illinois on the 24th day of September 1991.

Revised by the County Board on the 14th day of June 1994. Revisions effective the 1st day of September 1994.

Revised by the County Board on the 23rd day of April 1996. Revisions effective the 23rd day of April 1996.

Revised by the County Board on the 12th day of November 1997. Revisions effective the 1st day of February 1998.

Revised by County Board on the 22nd day of June 1999. Revisions effective the 1st day of September 1999.

Revised by County Board on the 13th day of June 2000. Revisions effective the 13th day of June 2000.

Revised by County Board on the 25th day of March 2003. Revisions effective the 25th day of March 2003.

Revised by County Board on the 27th day of January 2004. Revisions effective the 27th day of January 2004.

Revised by County Board on the 8th day of June 2004. Revisions effective the 1st day of July 2004.

Revised by County Board on the 8th day of March 2005. Revisions effective the 8th day of March 2005.

Revised by County Board on the 28th day of February 2006. Revisions effective the 28th day of February 2006.

Revised by County Board on the 8th day of April 2008. Revisions effective the 1st day of August 2008.

Base Flood Elevation. The height of the base flood in relation to the National Geodetic Vertical Datum of 1929.

Best Management Practices (BMPS). Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volume, prevent erosion, and capture pollutants.

Building. A structure that is constructed or erected partially or wholly above ground and is enclosed by walls and a roof. The term "building" includes manufactured homes and includes both the above-ground and the below-ground portions of the structure.

Certify/Certification. A statement that a proposed development meets the requirements of this Ordinance.

Committee. The Stormwater Management Committee of the DuPage County Board, authorized by Public Act 85-905.

Community. Any municipality, or the unincorporated County, within DuPage County acting as a unit of local government.

Compensatory Storage. An excavated hydrologically and hydraulically equivalent volume of storage created to offset the loss of existing flood storage.

CLOMA. A Conditional Letter of Map Amendment. A FEMA comment letter on a development proposed to be located in, and affecting only that portion of, the area of flood plain outside the regulatory floodway and having no impact on the existing regulatory floodway or base flood elevations.

CLOMR. A Conditional Letter of Map Revision. A letter that indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries, or floodways as shown on an effective FIRM or FBFM, after the record drawings are submitted and approved.

COE. The United States Army Corps of Engineers.

Complete Waiver. The authority granted to a community pursuant to Articles 3, 4, and 5 of this Ordinance whereby a community acquires complete jurisdiction over reviewing applications for and granting Stormwater Management Permits.

County. The County of DuPage, Illinois.

Critical Wetlands. Wetlands of the highest value by virtue of one or more high ranking characteristics that result in a uniquely valuable environment. See Sections 15-134 and 15-135 of this Ordinance.

Dam. Any obstruction, wall embankment, or barrier, together with any abutments and appurtenant works, constructed to store or direct water or to create a pool (not including underground water storage tanks).

Department. The DuPage County Department of Engineering.

Developer. Any person who undertakes development or permits development on such person's behalf.

Development. Any activity, excavation or fill, alteration, subdivision, change in land use, or practice, undertaken by private or public entities that affects the discharge of stormwater; or any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials in a Special Management Areas. The term "development" does not include maintenance of stormwater facilities.

Director. The DuPage County Director of Stormwater Management or his or her designee. The Director Stormwater Management shall be a professional engineer.

Elevation Certificates. A form published by FEMA, or its equivalent, that is used to certify the base flood elevation and the lowest elevation of usable space to which a building has been constructed.

Environmental Scientist. A person with a four-year degree in a life science curriculum in which the emphasis was on ecologic systems or equivalent education, and four years of experience. Examples of such curricula are ecology, botany, or biology.

Existing Manufactured Home Park. 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 on concrete pads) is completed before the effective date of the flood plain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park. 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 street, and either final site grading or the pouring of concrete pads).

FBFM. A Flood Boundary and Floodway Map. A flood plain management map issued by FEMA that depicts, based on detailed analysis, the boundaries of the base flood, the two tenth percent (0.2%) probability flood, and the floodway.

FEMA. The Federal Emergency Management Agency.

FHBM. A Flood Hazard Boundary Map. An official map of a community, issued by FEMA, on which the boundaries of the flood, mudslide or mudflow, or related crosion areas having special hazards have been designated as Zones A, M, and/or E.

NFIP. The National Flood Insurance Program. The requirements of the NFIP are codified in Title 44 of the Code of Federal Regulations.

NRCS. The United States Department of Agriculture, Natural Resources Conservation Service.

Oversight Committee. A committee appointed by a waiver community to oversee the implementation and enforcement of the waiver community's ordinance.

OWR. The Illinois Department of Natural Resources, Office of Water Resources.

Parcel. Contiguous land under single ownership or control.

Partial Waiver. Authority granted to a community pursuant to Articles 3, 4, and 5 of this Ordinance whereby the waiver community acquires limited jurisdiction over reviewing applications for, and issuing, Stormwater Management Permits.

Person. Any individual, partnership, firm, school district, company, corporation, association, joint stock company, trust, estate, unit of local government, special taxing district, public utility, political subdivision, state agency, or any other legal entity, or owner, or any legal representative, agent, or assign thereof.

Plan. The DuPage County Stormwater Management Plan, adopted by the DuPage County Board in September 1989, as amended from time to time.

Pollutant. Any substance harmful to the environment that is not authorized for discharge from a storm sewer by an Illinois Environmental Protection Agency General NPDES Permit.

Professional Engineer. A person licensed under the laws of the State of Illinois to practice professional engineering.

Professional Engineering. The application of science to the design of engineering systems and facilities, using the knowledge, skills, ability, and professional judgment developed through professional engineering education, training, and experience.

Professional Engineering Practice. The consultation on, conception, investigation, evaluation, planning, and design of, and selection of materials and methods to be used in, administration of construction contracts for or site observation of an engineering system or facility, when such consultation, conception, investigation, evaluation, planning, design, selection, administration, or observation requires extensive knowledge of engineering laws, formulae, materials, practice, and construction methods.

Public Flood Easement. An easement acceptable to the appropriate jurisdictional body that meets the regulation of the OWR, the Department, and the community, that provides legal assurances that all areas subject to flooding in the created backwater of the development will remain open to allow flooding.

Special Management Areas. Regulatory flood plains, riparian environment, wetlands, or wetland buffers. See Article 10 of this Ordinance.

Start of Construction. The date the permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within 180 days of the permit date. The actual start date includes the first day of any land preparation, including clearing, grading, filling, or excavation. For substantial improvements, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Stormwater Facility. All ditches, channels, conduits, bridges, culverts, levees, ponds, natural and man-made impoundments, wetlands, wetland buffers, riparian environment, tile, swales, sewers, BMPS or other natural or artificial structures or measures which serve as a means of draining surface and subsurface water from land.

Stormwater Management Permit. A permit established by this Ordinance or by a waiver community's Stormwater Ordinance; and issued by the Department or a waiver community signifying acceptance of measures identified for proposed development to comply with this Ordinance and the Plan.

Structure. Anything that is erected or constructed. The term "structure" includes, without limitation: buildings, manufactured homes, tanks, dams, sewers, constructed channels, outfalls, parking lots, driveways, roads, sidewalks, and concrete patios.

Structural Engineer. A person licensed under the laws of the State of Illinois as a structural engineer.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building, the cost of which improvement equals or exceeds, individually or in the aggregate, 50 percent of the fair market value of the building, determined from the equalized assessed value of the building, before the start of construction of the improvement or, if the building has been damaged, before the damage occurred. The term "cost of improvement" includes the value of volunteer labor and donated materials. The term "cost of improvement" does not, however, include either (1) any project for improvement of a building to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions or (2) any alteration of a historic building that will not preclude the building's continued designation as a historic building.

Usable Space. Space used for dwelling, storage, utilities, or other beneficial purposes, including without limitation basements.

Variance. An authorization recommended by the Committee or an Oversight Committee, and granted by the DuPage County Board or the corporate authorities of a waiver community, that varies certain requirements of this Ordinance or a waiver community ordinance in a manner in harmony with the application of such ordinance's general purpose and intent, which variance shall be granted only in a case where there are practical difficulties or particular hardships.

Violation. Failure of a structure or other development to be fully compliant with the regulations identified by Ordinance.

Waiver Community. A community that has been granted either a partial waiver or a complete waiver from County enforcement of this Ordinance. See Article 4 of this Ordinance.

Waiver Community Ordinance. An approved, valid, and effective stormwater management ordinance of a waiver community. See Articles 3 and 4 of this Ordinance.

Watershed. All land area drained by, or contributing water to, the same stream, lake, or stormwater facility.

Watershed Basin Committee. A technical committee established within a watershed planning area.

Watershed Benefit. A decrease in flood elevations or flood damages or an improvement in water quality, upstream or downstream of the development site.

Watershed Plan. A plan adopted by the County for stormwater management within a watershed consistent with the requirements in Chapter 3 of the Plan.

Watershed Planning Area. That area considered in a specific watershed plan, adopted as part of the Plan, and depicted on the attached Exhibit 1.

Watershed Plan Model. The hydrologic and hydraulic model meeting the standards of the Plan and used in developing a watershed plan.

Waters of DuPage.

1. All waters such as lakes, rivers, streams (including intermittent streams), mudflats, wetlands, sloughs, wet meadows, or natural ponds.
2. All impoundments of waters not otherwise defined as waters of DuPage under the definition.
3. Tributaries of waters identified above.
4. Wetlands adjacent to waters identified above.

For clarification, waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR 123.11(m) which also meet the criteria of this definition) are not waters of DuPage. It should also be noted that the following

At least once every three years the Department shall review the implementation and enforcement of each waiver community's stormwater program.

Sec. 15-36. through 15-45. Reserved.

ARTICLE 4. COMMITTEE PROCEDURES FOR WAIVER OF ENFORCEMENT.

Sec. 15-46. Committee Consideration of Petition.

The Committee shall consider each properly filed petition for either a partial or a complete waiver of County enforcement of this Ordinance at a regular or special call meeting. The Committee may take comments from interested parties, and the Committee shall have the right by rule to establish procedures for the conduct of such meetings.

Sec. 15-47. Standards for Grant of Petition.

The Committee shall grant a petition for waiver of County enforcement of this Ordinance upon finding that:

1. The community's stormwater ordinance is consistent with, and at least as stringent as, the Plan and this Ordinance, as they may be amended from time to time; and
2. The community has complied with the requirements of Article 3 of this Ordinance; and
3. By the effective date of the community's stormwater ordinance, the community shall provide reasonable assurance that it has available and will utilize experts with the following qualifications:
 - a. In a complete waiver community:
 - (1) A professional engineer with two years experience in stormwater and flood plain management; and
 - (2) A professional engineer with two years experience in the application of continuous hydrology and fully dynamic hydraulic models; and
 - (3) An environmental scientist who has attended at least one course in wetland delineation approved by the Department; and
 - (4) A soil scientist; or,
 - b. In a partial waiver community; ~~a professional engineer with two years experience in stormwater and flood plain management~~

ARTICLE 4. COMMITTEE PROCEDURES FOR WAIVER OF ENFORCEMENT.

Sec. 15-46. through 15-49.

**ARTICLE 9. REQUIREMENTS FOR STORMWATER AND FLOOD
PLAIN MANAGEMENT.**

Sec. 15-111. General Information.

1. All developments shall meet the requirements specified for general stormwater and flood plain development (Section 15-112), site runoff (Section 15-113), sediment and erosion control (Section 15-114), and performance security (Article 13).
2. All developments, with consideration given to those developments as noted in Section 15-111.3 of this ordinance, shall comply with the site runoff storage requirements provided in Section 15-114 of this Ordinance in which:
 - a. The parcels being developed total three acres or greater for single or two family residential subdivision land uses; or
 - b. The parcels being developed total one acre or greater for multiple family or non-residential subdivision land uses; or
 - c. The parcels being developed total one acre or greater for multiple family or non-residential developments and the new development totals either individually or in the aggregate after February 15, 1992 to more than 25,000 square feet; or
 - d. The area being developed totals one acre or greater for road developments in rights-of-way under the ownership or control of a unit of government.
3. The Director or Administrator in a waiver community shall consider granting an exception to Section 15-111.2 of this Ordinance for those developments listed below, if specific requirements are met for such development as listed or required by the Administrator:
 - a. The development is strictly limited to the grading of pervious area, in which the following specific requirements are met:
 - (1) The Applicant must demonstrate to the administrator's satisfaction that for all storm events, up to and including the critical duration 100-year event, the grading activity does not:
 - a) Result in an increase in runoff volume; and,
 - b) Result in an increase in peak release rate; and,
 - c) Result in a time decrease associated with the time of concentration; and,
 - d) Contribute to adjacent flood problems; and,
 - e) Alter the direction of runoff.

ARTICLE 9. REQUIREMENTS FOR STORMWATER AND FLOOD PLAIN MANAGEMENT

Sec. 15-111. through 15-122.

- b. The development is strictly limited to the reconstruction of an existing parking lot, in which the following specific requirements are met:
 - (1) The Applicant must demonstrate that the reconstruction will remain in the same foot print as the existing parking lot; and,
 - (2) The Applicant must demonstrate to the administrator's satisfaction that for all storm events up to and including the critical duration 100-year event, the development activity does not:
 - (a) Result in an increase in runoff volume; and,
 - (b) Result in an increase in peak release rate; and,
 - (c) Result in a time decrease associated with the time of concentration; and,
 - (d) Contribute to adjacent flood problems; and,
 - (e) Alter the direction of runoff.
- c. The development is strictly a Regional Stormwater Management Project or a Flood Control project in substantial compliance with either a watershed plan or other said study as reviewed and approved by the DuPage County Stormwater Management Committee.
- d. The development is strictly a Stream Bank Stabilization project.
- e. The development is strictly limited to the construction, or re-construction, of a pedestrian walkway/bike path, in which the following specific requirements are met:
 - (1) The pedestrian walkway/bike path shall not exceed twelve (12) feet in width; and,
 - (2) The pedestrian walkway/bike path must be constructed by a government agency (e.g., DuPage County regional trail system, municipal sidewalk program, etc.)
 - (3) The pedestrian walkway/bike path shall not be constructed in such a manner as to violate Section 15-112 of this Ordinance.
- f. The development is strictly limited to the creation of a DuPage County recognized wetland bank and/or wetland mitigation site.
- g. The development is strictly limited to the modification of an existing stormwater management facility to incorporate Best Management Practices.
- h. The development is strictly limited to the construction of a single-family residential structure on a parcel of land greater than three (3) acres.

ARTICLE 9. REQUIREMENTS FOR STORMWATER AND FLOOD PLAIN MANAGEMENT.

- i. The development is greater than one acre and the existing parcel(s) is greater than eighty percent (80%) impervious on March 8, 2005, in which the following specific requirements are met:
 - (1) Where there are no known off-site flooding problems that the development is contributory to, sufficient site runoff storage shall be provided in pervious (vegetative) areas such that the probability of the post development release rate exceeding 0.04 cfs/acre of development shall be less than fifty percent (50%) per year (2-yr event), unless the applicant demonstrates to the Administrator why this criteria can't be met and the following specific requirements are met:
 - (a) Where detention storage is provided in impervious areas (i.e. underground tanks, parking lots, etc.) best management practices as described in Section 15-113.11 of this Ordinance shall be required and the applicant shall demonstrate that these practices are appropriate and effective for the site conditions
 - (b) Where the required site runoff storage cannot be provided on-site, the shorted storage shall be provided off-site or by payment into an approved detention variance fee program as determined in Section 15-115 of this Ordinance.
 - (2) The required storage in Section 15-111.3.i.(1) is required for the total project, regardless of phasing.
 - (3) Site runoff storage facilities shall meet the requirements of Section 15-114 of this Ordinance.
 - (4) Where there are known off-site flooding problems, the Administrator may require additional site runoff storage, best management practices or other measures to reduce the flood potential.
 - (5) The post development site runoff storage shall not be less than the existing site runoff storage.
 - (6) There shall be no increase in peak release rates up to and including the one percent probability of occurrence (100-yr) per year.
 - (7) Additions to an existing site that increase the imperviousness above the eighty (80%) threshold are subject to providing the full storage such that the probability of the release rate exceeding 0.1 cfs/acre of new development is less than one percent (1.0%) per year, providing the new development is greater than 25,000 square feet.
 - (8) Approved Stormwater plans or permits that contain more stringent criteria than Section 15-111.3.i will apply.
4. Developments shall also meet the more specific requirements of applicable adopted Watershed Plans or adopted Interim Watershed Plans, set forth in Sections 15-117 through 15-122.
5. All development within special management areas, shall also satisfy the requirements specified in Article 10 of this Ordinance.

ARTICLE 9. REQUIREMENTS FOR STORMWATER AND FLOOD PLAIN MANAGEMENT.

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6. All developers shall submit the documents specified in Article 11 of this Ordinance to verify compliance with these requirements.
7. Facilities constructed under the provisions of this Ordinance or the waiver community ordinance shall be maintained according to the criteria and guidelines established in the Plan. Maintenance is the responsibility of the owner of the land on which the stormwater facilities are constructed unless the responsibility is assigned, pursuant to Section 15-180 of this Ordinance, to an entity acceptable to the governmental unit that has jurisdiction over such land.

Sec. 15-112. General Stormwater and Flood Plain Requirements.

The following general stormwater and flood plain requirements shall apply to all development.

1. Development shall not:
 - a. Result in any new or additional expense to any person other than the developer for flood protection or for lost environmental stream uses and functions; nor
 - b. Increase flood elevations or decrease flood conveyance capacity upstream or downstream of the area under the ownership or control of the developer; nor
 - c. Pose any new or additional increase in flood velocity or impairment of the hydrologic and hydraulic functions of streams and flood plains unless a watershed benefit is realized; nor
 - d. Violate any provision of this Ordinance or any applicable waiver community ordinance either during or after construction; nor
 - e. Unreasonably or unnecessarily degrade surface or ground water quality.
2. Analysis and design of all stormwater and flood plain facilities required for development shall:
 - a. Meet the standards and criteria established in the Plan and, if available, in Watershed Plans or in Interim Watershed Plans; and
 - b. Consider the Technical Guidance for the DuPage Countywide Stormwater and Flood Plain Ordinance for the Plan; and
 - c. Be consistent with techniques specified in the Watershed Plans or the Interim Watershed Plans; and
 - d. Consider existing and ultimate watershed and land use conditions, with and without the proposed development.
3. Stormwater facilities shall be functional before building permits are issued for residential and non-residential subdivision.

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4. Stormwater facilities shall be functional where practicable for single parcel developments before general construction begins.
5. In areas outside the boundary of the regulatory flood plain all usable space in new buildings, or added to existing buildings shall either be elevated, floodproofed, or otherwise protected such that the lowest entry shall be at least one foot above the adjacent base flood elevation to prevent the entry of surface stormwater. Floodproofing devices shall be operational without human intervention. If electricity is required for protection against flood damage, there shall be a backup power source which will activate without human intervention. Floodproofing measures shall be certified by a professional engineer.
6. All usable space in new buildings or added to existing buildings adjacent to a major stormwater system, site runoff storage facility overflow path or site runoff storage facility, shall be elevated, floodproofed, or otherwise protected to at least one foot above the design elevation to prevent the entry of surface stormwater. The design elevation is the elevation associated with the design rate as determined in Section 15-114.8.f

Sec. 15-113. Site Runoff Requirements.

1. Stormwater facilities shall be required and shall be designed so that runoff exits the site at a point where flows will not damage adjacent property.
2. Stormwater facilities shall be designed to conform with the requirements of Illinois law and the applicable Sections 15-117 through 15-122 of this Ordinance.
3. Minor stormwater systems shall be sized to convey runoff from the tributary watershed under fully developed conditions consistent with the design requirements of the local jurisdiction.
4. Major stormwater systems shall be sized to carry the base flood without causing additional property damage.
5. Design runoff rates shall be calculated by using continuous simulation models or by event hydrograph methods. If event hydrograph methods are used, they must be either HEC-1 SCS runoff method, TR-20, or TR-55 tabular method. Event methods must incorporate the following assumptions:
 - a. Antecedent moisture condition = 2; and
 - b. Huff or SCS Type II rainfall distribution.
6. Any design runoff rate method shall use Illinois State Water Survey Bulletin 70 northeast sectional rainfall statistics or the National Oceanic and Atmospheric Administration continuous rainfall record from 1949 to present at the Wheaton gage, and shall calculate flow from all tributary area upstream of the point of design.

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7. Major and minor stormwater systems shall be located within easements or rights-of-way explicitly providing for public access for maintenance of such facilities.
8. Maximum flow depths on any roadway shall not exceed six inches during the base flood condition.
9. Transfers of waters between watersheds shall be prohibited except when such transfers will not violate the provisions of Subsection 15-112.1 of this Ordinance.
10. Stormwater facilities for runoff upstream of flood protection facilities shall provide for conveyance or storage of flood waters without increased potential for damage to real or personal property during base flood conditions.
11. Developments requiring a Stormwater Management Permit under Section 15-147 of this Ordinance shall treat the developed area for pollutants from the site in accordance with accepted practices and procedures, examples of which are in Appendix E of the DuPage Countywide Stormwater and Flood Plain Ordinance, Part I-Technical Guidance, Water Quality Best Management Practices, with the following exceptions:
 - a. The parcels being developed total less than one acre for single or two family land uses.
 - b. The Director or Administrator in a waiver community shall consider granting an exception to section 15-113.11, for those developments listed in section 15-111.3.b and e.
12. Developments requiring a Stormwater Management Permit under Section 15-147 of this Ordinance shall, to the extent practical practicable and necessary, incorporate the following Best Management Practices into the site design to minimize increases in runoff rates, volumes, and pollutant loads:
 - a. All runoff from rooftops and parking lots, and discharge from sump pumps, that does not discharge into a site runoff storage facility shall be directed onto vegetated swales or filter strips, for a distance of at least 50 feet.
 - b. Vegetated swales shall be utilized, where appropriate, as an alternative to storm sewers to promote the infiltration of stormwater and the filtration of stormwater pollutants.
 - c. Effective impervious surface area should be limited by site designs which minimize the area of streets, parking lots, and rooftops and/or utilize permeable paving material such as concrete grids in low traffic areas.
 - d. Other Best Management Practices such as infiltration basins and trenches (where permeable soils are present) and filtration basins and sand filters (on highly impervious or industrial developments) shall be utilized where appropriate.
 - e. The practices and procedures established in the Technical Guidance for the DuPage Countywide Stormwater and Flood Plain Ordinance for the Plan and as described in the United States Environmental Protection Agency's "Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters", dated January 1993.

13. Developments shall incorporate all best ~~Best management~~ ~~Management practices~~ ~~Practices~~ as may be required pursuant to the United States Clean Water Act, 33 U.S.C. §§ 1251 et seq., as amended.

Sec. 15-114. Site Runoff Storage Requirements (Detention).

1. Maximum site runoff storage requirements shall be consistent with the information, procedures, and requirements of the applicable Sections 15-117 through 15-122 of this Ordinance, except as limited by the provisions of Subsection 15-114.2 of this Ordinance.
2. If no release rate, or a greater release rate than identified below, is specified in the applicable Sections 15-~~117~~ 118 through 15-122 of this Ordinance, then sufficient storage shall be provided such that the probability of the post development release rate exceeding 0.1 cfs/acre of development shall be less than one percent (1.0%) per year. Design runoff volumes shall be calculated using continuous simulation or event hydrograph methods.
3. If event hydrograph methods are used to calculate design runoff volumes, they must be either HEC-1 SCS runoff method with outlet routing option, TR-20 with outlet control routing option, or TR-55 tabular method with outlet control routing. Event methods shall incorporate the following assumptions:
 - a. Antecedent moisture condition = 2; and
 - b. Huff or SCS Type II rainfall distribution; and
 - c. Twenty-four (24) hour duration storm with a one percent (1.0%) probability of occurrence in any one year as specified by Illinois State Water Survey Bulletin 70 northeast sectional rainfall statistics.
4. If continuous simulation methods are used, design runoff volumes shall be calculated using the Wheaton National Oceanic and Atmospheric Administration rainfall record from 1949 to present.
5. For sites where the undeveloped release rate is less than the maximum release rate in Subsection 15-114.2 of this Ordinance, the developed release rate and corresponding site runoff storage volume shall be based on the existing undeveloped release rate for the development site.
6. All hydrologic and hydraulic computations must be verified under the full range of expected downstream water surface elevations, from low flow through the base flood elevation.
7. Responsibility for maintenance of all storage facilities shall be designated on the plat of subdivision or other recorded documents.
8. Storage facilities shall be designed and constructed with the following characteristics:
 - a. Water surface depths two feet above the base flood elevation will not damage the storage facility.
 - b. The storage facilities shall be accessible and easily maintained.
 - c. All outlet works shall function without human intervention or outside power and shall operate with minimum maintenance.

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- d. Storage facilities shall facilitate sedimentation and catchment of floating material.
 - e. Storage facilities shall minimize impacts of stormwater runoff on water quality by incorporating Best Management Practices.
 - f. Storage facilities shall provide an overflow structure and overflow path that can safely pass excess flows through the development site. The minimum design rate shall be 1.0 cfs/acre of area tributary to the storage facility.
9. Storage facilities located within the regulatory flood plain shall:
- a. Conform to all applicable requirements specified in Article 10 of this Ordinance; and
 - b. Store the required site runoff under all stream flow and backwater conditions up to the base flood elevation; and
 - c. Not allow design release rates to be exceeded under any stream elevation less than the base flood elevation.
10. Storage facilities located within the regulatory floodway shall:
- a. Meet the requirements for locating storage facilities in the regulatory flood plain; and
 - b. Be evaluated by performing hydrologic and hydraulic analysis consistent with the standards and requirements for Watershed Plans; and
 - c. Provide a watershed benefit.
11. Developments with storage facilities that have off-site flow tributary to the site either shall provide storage sufficient to accommodate runoff from the off-site tributary watershed and the site, or shall store the site runoff and convey off-site flows through the development while preserving the existing flow and storage of the site.
12. Storage facilities may be located off-site if the following conditions are met:
- a. The off-site storage facility meets all of the requirements of this Article 9; and
 - b. Adequate storage capacity in the off-site facility is dedicated to the development; and
 - c. The development includes provisions to convey stormwater to the off-site storage facility.

Sec. 15-115. Detention Variance Fee Program.

- 1. Where a variance to the site runoff storage requirements of Section 15-114 is granted, payment into a detention variance fee program shall be made prior to the issuance of a Stormwater Management Permit as a condition of the variance.
- 2. Development in a non-waiver community or in a waiver community that has not adopted a detention variance fee program shall participate in the County's program where:

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- a. Payment of a detention variance fee for the varied storage shall be made to the County and is determined by applying the first applicable criteria as follows:
 - (1) A fee calculated by multiplying the per acre-foot cost of the closest off-site storage facility times the varied storage where:
 - (a) A design concept plan for the facility has been approved by the Committee and the County Board containing an estimate of the per acre-foot cost of constructing the storage, including operation and maintenance costs; and
 - (b) A formula has been developed to determine that any investment in the facility shall be at least equal to the cost of planning, acquiring of lands, constructing, operating, and maintaining the facility; and
 - (c) The facility is located in the same watershed planning area as the variance.
 - (2) An adopted fee schedule, attached to this Ordinance as Schedule B and by this reference incorporated into this Ordinance, that identifies reasonable and rational cost to provide site runoff storage in the same watershed planning area as the variance. The fee shall include the cost of planning, acquiring land, construction, operation, and maintenance.
 - b. Funds collected shall be accounted for in separate project or watershed planning area accounts. Funds shall be used in the same community or watershed planning areas as collected to enhance existing site runoff storage facilities and related components, construct off-site facilities and related components, provide maintenance of stormwater facilities, or undertake other development that provides a watershed benefit.
 - c. The County Board shall provide accounting on an annual basis of all funds deposited in each project or watershed planning accounts and shall account for each fund on a first-in, first-out basis.
 - d. The Committee may prioritize and allocate funds on an annual basis within each watershed planning area account. Communities may make a request to the Committee by June 30th of each year for funds within the watershed planning accounts for uses identified in Section 15-115.2.b.
 - e. All detention variance fees are refunded to the person who paid the fee, or to that person's successor in interest, whenever the County fails to encumber the fees collected within 10 years of the date on which such fees are collected.
 - f. Refunds are made provided that the person who paid the fee, or that person's successor in interest, files a petition with the County within one year from the date on which such fees are required to be encumbered.
3. Development in a waiver community shall participate in the waiver community's detention variance fee program where the corporate authority has adopted a program that is consistent with Section 15-115.2. The waiver community may adopt its own fee schedule and designate off-site facilities. Funds may be used in the same community or watershed planning area as collected. All accounting records shall be made available to the Committee upon request.

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Sec. 15-116 (re-number sections from here to 15-130- Page 38) Water Quality BMP Fee-in-Lieu Program.

1. The applicant for single or two family residential land uses that are not specifically exempted by 15-113.11 may elect to pay a fee in lieu of providing water quality BMPS under the following conditions:
 - a. A Stormwater Management Permit is required under section 15-147 of this Ordinance, and
 - b. The development is not required to provide site runoff storage per Section 15-111.2, and
 - c. Payment into a BMP fee-in-lieu program shall be made prior to the issuance of a Stormwater Management Permit.

2. The applicant for multiple family or non-residential land uses and roadway developments may elect to pay a fee in lieu of providing water quality BMPS under the following conditions:
 - a. A Stormwater Management Permit is required under section 15-147 of this Ordinance, and
 - b. The development is not required to provide site runoff storage per Section 15-111.2, and
 - c. The Director or Administrator in a waiver community has determined that it is not practical to install water quality BMPS, and
 - d. Payment into a BMP fee-in-lieu program shall be made prior to the issuance of a Stormwater Management Permit.

3. Development in a non-waiver community or in a waiver community that has not adopted a BMP fee-in-lieu program shall participate in the County's program where:
 - a. BMP fee-in-lieu payment shall be made to the County and is determined by applying the criteria as follows:
 - (1) The adopted fee schedule, attached to this ordinance as Schedule B and by this reference incorporated into this ordinance, that identifies reasonable and rational cost to construct and maintain similar BMPS for those areas of the development that remain without effective water quality treatment.
 - b. Funds collected shall be accounted for in watershed planning area accounts. Funds shall be used in the same watershed planning areas as collected solely to design, construct, and maintain water quality improvements. Funds may not be used to fulfill obligations required by the Ordinance.
 - c. The County Board shall provide accounting on an annual basis of all funds deposited in each watershed planning account and shall account for each fund on a first-in, first-out basis.
 - d. The Committee may prioritize and allocate funds on an annual basis within each watershed planning area account. Communities may make a request to the Committee by June 30th of each year for funds within the watershed planning accounts for uses as identified in Section 15-116.3.b.

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- c. All BMP fee-in-lieu payments are refunded to the person who paid the fee, or to that person's successor in interest, whenever the County fails to encumber the fees collected within ten (10) years of the date on which such fees are collected.
- d. Refunds are made provided that the person who paid the fee, or that person's successor in interest, files a petition with the County within one year from the date on which such fees are required to be encumbered.
- 4. Development in a waiver community shall participate in the waiver community's BMP fee-in-lieu program where the corporate authority has adopted a program that is consistent with Section 15-116. The waiver community may adopt its own fee schedule and designate off-site facilities. Funds may be used in the same community or watershed planning area as collected. All accounting records shall be made available to the Committee upon request.

Sec. 15-116.117. Erosion and Sediment Control Requirements.

1. Erosion and sediment control features shall be considered as part of any development's initial site planning process. The developer's engineer should consider the following factors in the overall site design:
 - a. The susceptibility of the existing soils to erosion.
 - b. The natural contours of the land.
 - c. Existing native and mature vegetation.
 - d. Existing natural or established drainageways.
 - e. Emphasize erosion controls first then address sediment control.
2. All developments, whether a permit is required or not, shall incorporate stormwater management measures that control and manage runoff from such developments, as provided in this section. Temporary erosion and sediment control measures shall be functional and consistent with the information and requirements of this entire section before land is otherwise disturbed on the site. These measures shall be maintained during both the construction season and any construction shutdown periods until permanent erosion and sediment control measures are operational.
3. Soil erosion and sediment control measures shall be appropriate with regard to the amount of tributary drainage area as follows:
 - a. Disturbed areas draining less than 1 acre shall, at a minimum, be protected by a filter barrier or equivalent to control all runoff leaving the site. The use of straw bales for this purpose is prohibited.
 - b. Disturbed areas draining more than 1 but fewer than 5 acres shall, at a minimum, be protected by a sediment trap or equivalent control measure.
 - c. Disturbed areas draining more than 5 acres shall, at a minimum, be protected by a sediment basin or equivalent control measure.

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state, and regional approvals prior to the issuance of a Stormwater Management Permit.

7. All development undertaken by a unit of local government in the regulatory flood plain where no regulatory floodway has been designated shall obtain a permit from OWR or its designee prior to issuance of a Stormwater Management Permit.
8. Within the regulatory floodway, the following calculations or analyses shall be submitted to and approved by OWR or its designee prior to the issuance of a Stormwater Management Permit:
 - a. Flood damage analyses for the replacement or modification of existing bridges or culverts; and
 - b. Hydraulic analyses of new, modified, or replacement bridges or culverts; and
 - c. Analyses of alternative transition sections as required in Subsection 15-133.25 of this Ordinance; and
 - d. Analyses of hydrologically and hydraulically equivalent compensatory storage.
9. Any and all proposed development not in a Special Management Area shall be reviewed under the supervision of a professional engineer and, where applicable, an environmental scientist, meeting the requirements in Section 15-47.3.b.
10. Any and all proposed development within the regulatory flood plain shall be reviewed under the supervision of a professional engineer meeting the requirements in Section 15-47.3.a. and, in the case of floodway development, certified by that professional engineer that the proposed development meets the minimum requirements of this Ordinance.
11. Any and all proposed development in or near a wetland shall be reviewed under the supervision of an environmental scientist meeting the requirements in Section 15-47.3.a (3), and certified by that environmental scientist that the proposed development meets the minimum requirements of this Ordinance.

Sec. 15-147. Applicability; Required Submittals.

1. A Stormwater Management Permit shall be required if:
 - a. The development involves one or more Special Management Areas; or
 - b. The development involves a substantial improvement in the regulatory flood plain; or
 - c. The development disturbs more than 5,000 square feet of ground cover, unless the development solely involves one or more of the following:
 - (1) Cultivation, conservation measures, or gardening; or
 - (2) Installation, renovation, or replacement of a septic system, potable water service line, or other utility 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 or maintaining utilities; or

- (4) Maintenance, repair, or at grade replacement of existing lawn areas not otherwise requiring a stormwater permit under Ordinance.
2. In addition to the application requirements provided in Sections 15-146 and 15-148 of this Ordinance, the following submittals shall be required:
 - a. The Stormwater Submittal provided in Section 15-149 of this Ordinance shall be required for all development requiring a stormwater permit.
 - b. The Flood Plain Submittal provided in Section 15-150 of this Ordinance shall be required for all development proposed within any regulatory flood plain designated in Section 15-132 of this Ordinance.
 - c. The Wetland Submittal provided in Section 15-151 of this Ordinance shall be required for any development proposed within a wetland designated in Section 15-134 of this Ordinance.

Sec. 15-148. Stormwater Management Permit Application.

The Stormwater Management Permit application shall include all of the following:

1. The name and legal address of the applicant and of the owner of the land; and
2. The common address and legal description of the site where the development will take place; and
3. A general narrative description of the development, including submittals required pursuant to Subsection 15-147.2 of this Ordinance; and
4. Affidavits signed by the land owner and the developer attesting to their understanding of the requirements of this Ordinance or the applicable waiver community ordinance and their intent to comply therewith; and
5. A statement of opinion by a qualified person either denying or acknowledging the presence of Special Management Areas on the development site, and the appropriate submittals if the statement acknowledges the presence of Special Management Areas; and
6. Copies of other permits or permit applications as required; and
7. A stormwater submittal; and
8. A flood plain submittal, if development is proposed in a flood plain; and
9. A wetland submittal, if development is proposed in a wetland; and
10. A riparian environment submittal, if development is proposed in a riparian environment; and
11. An engineer's estimate of probable construction cost of the stormwater facilities.

Sec. 15-149. Stormwater Submittal.

1. The stormwater submittal shall include:

- a. A site stormwater plan; and
- b. Site runoff calculations; and
- c. Site runoff storage calculations if site runoff storage is required in Section 15-111.2; and
- d. Information describing off-site conditions; and
- e. A sediment and erosion control plan; and
- f. Description on how Best Management Practices are incorporated in the development.

2. The site stormwater plan shall include:

- a. A site topographic map depicting both existing and proposed contours of the entire site to be disturbed during development and all areas 100 feet beyond the site or as required by the Director or the Administrator at a scale of at least one inch equals 100 feet or less (e.g., one inch to 50 feet), with a minimum contour interval of one foot with accuracy equal to 0.5 foot of elevation; and
- b. A plan view drawing of all existing and proposed stormwater facilities features, at the same scale as the site topographic map, including all of the following:
 - (1) Boundaries for watersheds tributary to all significant stormwater facilities (i.e., channels, bridges, inlets, and the like), along with the location of such facilities; and
 - (2) Major and minor stormwater systems (i.e., storm water pipes, culverts, inlets, and storage and infiltration facilities, and flooding limits under base flood conditions for the major stormwater system); and
 - (3) Roadways, structures, parking lots, driveways, sidewalks, and other impervious surfaces; and
 - (4) The nearest base flood elevations; and
 - (5) A planting plan for all vegetated areas which shall include:
 - (a) Planting locations, specifications, methodology; and
 - (b) A schedule for installation; and
 - (c) Management, monitoring, and maintenance provisions; and
 - (d) Performance standards; and
 - (e) An opinion of probable cost
- (1) Design details for all proposed stormwater facilities (i.e., major and minor stormwater systems, storage basins, and outlet works, and the like); and
- (2) A scheduled maintenance program for the stormwater facilities, including:

- (3) Planned maintenance tasks; and
 - (4) Identification of the person or persons responsible for performing the maintenance tasks as required by Section 15-180 of this Ordinance; and
 - (5) A description of the permanent public access maintenance easements granted or dedicated to, and accepted by, a governmental entity; and
- e. A schedule of implementation of the site stormwater plan; and
 - f. Upon completion of development, record drawings of the site stormwater plan shall be submitted to the Director or the Administrator. Such drawings shall be prepared, signed, and sealed by a land surveyor or professional engineer and shall include calculations showing the "as-built" volume of compensatory and site-runoff storage.
3. The site runoff calculations shall include:
- a. Profile drawings of the major and minor stormwater systems, including cross section data for open channels, showing the hydraulic grade line and water surface elevation under the design and base flood condition; and
 - b. Documentation identifying the procedures, assumptions, and data used to calculate hydrologic and hydraulic conditions for sizing both major and minor stormwater systems.
4. The site runoff storage calculations shall include:
- a. Documentation identifying the procedures, assumptions, and data used to calculate hydrologic and hydraulic conditions and to determine the allowable release rate and related storage volume; and
 - b. Elevation-area-storage and elevation-discharge data for storage systems.
5. Information describing the off-site conditions shall include sufficient information to allow evaluation of off-site impacts to and resulting from the proposed development. Such information shall include:
- a. A vicinity topographic map covering the entire upstream watershed that drains to or through the site and the entire watershed downstream to the point of known or assumed discharge and water surface elevation; and
 - b. A plan view drawing of existing and proposed stormwater facilities, at the same scale as the vicinity topographic map, including:
 - (1) Watershed boundaries for areas draining through or from the development; and
 - (2) The location of the development within the watershed planning area; and
 - (3) Soil types, vegetation, and land cover conditions affecting runoff upstream of the development site for any area draining through or to the site.
6. The erosion and sediment control plan shall conform to the requirements of Section 15-116-117 of this Ordinance. The erosion and sediment control plan shall include:

- a. A plan and schedule for construction, including site clearing and grading, construction waste disposal and stockpile locations, placement and maintenance of all soil stabilization controls, and sediment trapping facilities; and
 - b. A description of the development, including existing site land cover and hydrologic conditions, adjacent areas, soil types including a soils report and/or survey, permanent and temporary erosion and sediment control measures, and maintenance requirements; and
 - c. All data and calculations used to size, locate, design and maintain any soil erosion and sediment control measures.
 - d. Plan view drawings of existing and proposed site conditions, at the same scale as the site stormwater plan, including:
 - (1) Existing contours with drainage patterns and watershed boundaries; and
 - (2) Soil types, vegetation, and land cover conditions; and
 - (3) Limits of clearing and grading; and
 - (4) Final contours with locations of drainageways and erosion and sediment control measures with the drainage area tributary to each sediment control measure delineated on the drawings; and
 - (5) A sediment control quantity table including: total project area, total disturbed area, total existing and proposed impervious area, and total number of units for each sediment control measure.
 - e. Design details for proposed erosion and sediment control facilities; and
 - f. A copy of the written opinion, when applicable, of the Soil and Water Conservation District required under 70 ILCS 405/22.02 (1992); and
 - g. Evidence that the sediment and erosion control installation and maintenance requirements, including both a list of maintenance tasks and a performance schedule, are identified and required in the plans and specifications.
7. Information describing how Best Management Practices are incorporated into the site design. Such information shall include:
- a. A description of Best Management Practices that are incorporated into the site design and how they will function. Include applicable design criteria such as soil type, vegetation, and land cover conditions draining to the Best Management Practice along with appropriate calculations; and
 - b. A description of the maintenance requirements.

Sec. 15-150. Flood Plain Submittal.

The flood plain submittal shall include:

2. The security required by this Section 15-177 shall be maintained and renewed by the applicant, and shall be held in escrow by the Director or the Administrator until the conditions set forth in this Section 15-177 or other applicable provision are satisfied.

At a minimum, the security required for this Section 15-177, in an amount equal to not less than one hundred ten percent (110%) of the estimated probable cost to plant, maintain and monitor all vegetated areas as required by the permit, may be held until all conditions or other applicable provisions are satisfied. The vegetated areas security may be reduced at the discretion of the Director or Administrator as conditions are met, but must not be less than one hundred ten (110%) of the estimated probable cost to continue to meet all conditions or other applicable provisions.

3. After approval of record drawings and final inspection by the Director or the Administrator, not more than ninety percent (90%) of the security provided for in this Section 15-177 or other applicable provision may be released. A minimum of ten percent (10%) of the security shall be retained for a period of time ~~not to exceed~~ not less than one (1) year after completion of construction:
 - a. ~~One year after completion of construction of all stormwater facilities required by the permit if the development involves no wetland mitigation; or~~
 - b. ~~Five years after completion of construction of all stormwater facilities required by the permit if the development involves wetland mitigation.~~

Sec. 15-178. Erosion and Sediment Control Security.

1. If an erosion and sediment control plan is required pursuant to Section 15-149 of this Ordinance, then an erosion and sediment control security shall be required. Such a security shall include:
 - a. An irrevocable letter of credit, or such other adequate security as the Director or the Administrator shall approve, in an amount equal to not less than one hundred ten percent (110%) of the estimated probable cost to install and maintain the erosion and sediment control measures, which estimated probable cost shall be approved by the Director or the Administrator; and
 - b. A statement signed by the applicant granting the Director or the Administrator, as applicable, the right to draw on the security and the right to enter the development site to complete erosion and sediment control measures in the event that such measures are not installed and maintained according to the established schedule.
2. The security required by this Section 15-178 shall be maintained and renewed by the applicant, and shall be held in escrow by the Director or the Administrator, as applicable, until the conditions set forth in this Section 15-178 are satisfied.
3. After establishment of vegetation, removal of all sediment from stormwater facilities, and final inspection and approval by the Director or the Administrator, as applicable, one hundred percent (100%) of the erosion and sediment control security shall be released.

Sec. 15-179. Letters of Credit.

1. Letters of credit posted pursuant to Sections 15-176, 15-177, and 15-178 of this Ordinance shall be in a form satisfactory to the Director or the Administrator, as applicable.
2. Each letter of credit shall be from a lending institution: (a) acceptable to the Director or the Administrator, as applicable; (b) having capital resources of at least ten million dollars (\$10,000,000), or such other amount acceptable to the Director or the Administrator; (c) with an office in the Chicago Metropolitan Area; and, (d) insured by the Federal Deposit Insurance Corporation.
3. Each letter of credit shall, at a minimum, provide that:
 - a. It shall not be canceled without the prior written consent of the Director or the Administrator; and
 - b. It shall not require the consent of the developer prior to any draw on it by the Director or the Administrator; and
 - c. If at any time it will expire within 45 or any lesser number of days, and if it has not been renewed, and if any applicable obligation of the developer for which its security remains uncompleted or is unsatisfactory, then the Director or the Administrator may, without notice and without being required to take any further action of any nature whatsoever, call and draw down the letter of credit and thereafter either hold all proceeds as security for the satisfactory completion of all such obligations or employ the proceeds to complete all such obligations and reimburse the County or the waiver community for any and all costs and expenses, including legal fees and administrative costs, incurred by the County or the waiver community, as the Director or the Administrator shall determine.
4. If at any time the Director or the Administrator determines that the funds remaining in the letter of credit are not, or may not be, sufficient to pay in full the remaining unpaid cost of all stormwater facility construction or erosion and sediment control measures, then, within ten (10) days following a demand by the Director or the Administrator, the developer shall increase the amount of the letter of credit to an amount determined by the Director or the Administrator to be sufficient to pay such unpaid costs. Failure to so increase the amount of the security shall be grounds for the Director or the Administrator to draw down the entire remaining balance of the letter of credit.
5. If at any time the Director or the Administrator determines that the bank issuing the letter of credit is without capital resources of at least ten million dollars (\$10,000,000), is unable to meet any federal or state requirement for reserves, is insolvent, is in danger of becoming any of the foregoing, or is otherwise in danger of being unable to honor such letter of credit at any time during its term, or if the Director or the Administrator otherwise reasonably deems the bank to be insecure, then the Director or the Administrator shall have the right to demand that the developer provide a replacement letter of credit from a bank satisfactory to the Director or the Administrator. Such replacement letter of credit shall be deposited with the Director or the Administrator not later than ten (10) days following such demand. Upon such deposit, the Director or the Administrator shall surrender the original letter of credit to the developer.
6. If the developer fails or refuses to meet fully any of its obligations under this Ordinance or the applicable waiver community ordinance, then the Director or the Administrator may, in his or her discretion, draw on and retain all or any of the funds remaining in the letter of credit. The Director or the Administrator thereafter shall have the right to take any action he or she deems reasonable and appropriate to mitigate the effects of such failure or refusal, and to reimburse the County or the waiver community from the proceeds of the letter of credit for all of its costs and expenses, including legal fees and administrative expenses, resulting from or incurred as a result of the developer's failure or

Sec. 15-259. Amendments.

This Ordinance may be amended in accordance with the adopted rules of the Committee and the DuPage County Board. Amendments to this Ordinance shall only take effect after a public hearing is held before the Committee and the amendment is adopted by the DuPage County Board. Unless otherwise noted, complete Stormwater Permit Applications that are accepted prior to the effective date of an amendment will not be subject to that amendment.

Sec. 15-260. Effective Date.

This Ordinance shall take effect for all purposes, and its effective date shall be, February 15, 1992.

Sec. 15-261. through 15-265. Reserved.

SCHEDULE B
 DETENTION VARIANCE FEE AND BMP FEE IN LIEU SCHEDULE

9-1-998:108

Detention Variance Fee

Salt Creek	\$133,000 per acre-foot
East Branch DuPage River	\$106,000 per acre-foot
West Branch DuPage River	\$94,000 per acre-foot
Sawmill Creek	\$87,000 per acre-foot
Des Plain River Tributaries	\$133,000 per acre-foot
Fox River Tributaries	\$81,000 per acre-foot

The fee is calculated by multiplying the varied storage amount by the cost per acre-foot for the watershed planning area where the development is located.

BMP Fee in lieu

<u>Single or two family residential land uses</u>	<u>\$3,000 per acre</u>
<u>Religious institutions defined under Sec. 15-40 of the Illinois Property Tax Code and governmental entities, not to include roadways and parking lots</u>	<u>\$3,000 per acre</u>
<u>Multiple family or non-residential land uses</u>	<u>\$15,000 per acre</u>
<u>Roadway developments</u>	<u>\$30,000 per acre</u>

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING THE REVISED DUPAGE COUNTY
COUNTYWIDE STORMWATER AND FLOODPLAIN ORDINANCE**

WHEREAS, on the 14th day of January 1992, the Mayor and Board of Trustees of the Village of Carol Stream passed Ordinance 92-01-03, "**An Ordinance Adopting Various Provisions of the County of DuPage Countywide Stormwater and Floodplain Ordinance...**" which was subsequently amended on March 10, 1992 by Ordinance No. 92-03-26, on August 1, 1994 by Ordinance No. 94-08-63, on May 6, 1996 by Ordinance No. 96-05-32, and on February 2, 1998 by Ordinance No. 98-02-05, on July 19, 1999 by Ordinance 99-07-42, and on June 19, 2006 by Ordinance 2006-06-28; and

WHEREAS, the County has requested that a further revision be made to that Ordinance; and

WHEREAS, the Corporate Authorities find that such modifications are of a clarifying nature and do not change the intent of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That Appendix A to Ordinance No. 92-01-03 be revised and amended so that it shall hereafter contain the text set forth and attached hereto as Appendix "A" to this Ordinance.

SECTION 2: This revision to Ordinance No. 92-01-03 shall be in full force and effect upon its passage, approval and publication in pamphlet form in the manner provided by law provided, however, that it shall applied after August 1, 2008 to applications in accordance with Section 15 - 259 of the revision.

PASSED AND APPROVED THIS 2ND DAY OF JUNE 2008

AYES:

NAYS:

ABSENT:

Frank Saverino, Sr., Mayor

ATTEST:

Beth Melody, Village Clerk

APPENDIX A

*DuPage County
Countywide Stormwater
And Flood Plain Ordinance*

Adopted by the County Board of the County of DuPage, Illinois on the 24th day of September 1991.

Revised by the County Board on the 14th day of June 1994. Revisions effective the 1st day of September 1994.

Revised by the County Board on the 23rd day of April 1996. Revisions effective the 23rd day of April 1996.

Revised by the County Board on the 12th day of November 1997. Revisions effective the 1st day of February 1998.

Revised by County Board on the 22nd day of June 1999. Revisions effective the 1st day of September 1999.

Revised by County Board on the 13th day of June 2000. Revisions effective the 13th day of June 2000.

Revised by County Board on the 25th day of March 2003. Revisions effective the 25th day of March 2003.

Revised by County Board on the 27th day of January 2004. Revisions effective the 27th day of January 2004.

Revised by County Board on the 8th day of June 2004. Revisions effective the 1st day of July 2004.

Revised by County Board on the 8th day of March 2005. Revisions effective the 8th day of March 2005.

Revised by County Board on the 28th day of February 2006. Revisions effective the 28th day of February 2006.

Revised by County Board on the 8th day of April 2008. Revisions effective the 1st day of August 2008.

***COUNTY OF DUPAGE,
ILLINOIS***

***COUNTYWIDE STORMWATER
AND FLOOD PLAIN ORDINANCE***

**Adopted As Appendix F
To The DuPage County Stormwater Management Plan**

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ARTICLE 1. AUTHORITY AND PURPOSE.

Sec. 15-1. Statutory Authority.

1. This Ordinance shall be known, and may be cited, as the DuPage County Countywide Stormwater and Flood Plain Ordinance.
2. The DuPage County Stormwater Management Committee (the "Committee") and the DuPage County Board promulgate this Ordinance pursuant to their authority to adopt ordinances regulating flood plain management and governing the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in DuPage County, in accordance with the adopted DuPage County Stormwater Management Plan (the "Plan"). The statutory authority for this Ordinance is contained in 55 ILCS 5/ ¶¶ 5-1041, 5-1042, 5-1049, 5-1062, 5-1063, 5-1104, 5-12003, and 5-15001 *et seq.*; and 415 ILCS 5/43 (1992), and other applicable authority, all as amended from time to time.
3. As applicable, the municipalities within DuPage County promulgate and enforce this and other relevant Stormwater Management Ordinances pursuant to 65 ILCS 5/1-2-1, 5/11-12-12, 11-30-2, 11-30-8, and 5/11-31-2 (1992).

Sec. 15-2. DuPage County Stormwater Management Plan.

The Plan was recommended by the Committee and adopted by the DuPage County Board, after review by the appropriate agencies and public hearing, as Ordinance No. OSM-0001-89. The Plan is available for public inspection in the office of the DuPage County Clerk.

Sec. 15-3. Findings.

The Committee and the DuPage County Board hereby find that:

1. Inappropriate use of the flood plain and development have increased flood risk, flood damage, and environmental degradation; and
2. It is necessary to consider stormwater management on a watershed basis; and
3. DuPage County drains poorly because of flat topography and soils of low permeability; and
4. The costs of increasing channel capacity are prohibitive; and
5. Many land development practices upset the natural hydrologic balance of DuPage County streams; and

ARTICLE 1. AUTHORITY AND PURPOSE.

Sec. 15-1. through 15-5.

6. Most flood damage occurs to structures developed adjacent to streams in the flood plain or floodway; and
7. Wetlands represent a significant portion of the natural watershed storage in DuPage County, and wetlands play an essential role in flood storage, conveyance, sediment control, and water quality enhancement; and
8. Many stormwater management facilities are not adequately maintained; and
9. The authority for control of stormwater facilities is widely distributed to many entities in DuPage County; and
10. There are many strong local stormwater management programs; and
11. Inconsistent enforcement of stormwater regulations contributes to the extent and severity of flood damage.

Sec. 15-4. Purposes of this Ordinance.

1. The principal purpose of this Ordinance is to promote effective, equitable, acceptable, and legal stormwater management measures. Other purposes of this Ordinance include:
 - a. Managing and mitigating the effects of urbanization on stormwater drainage throughout DuPage County; and
 - b. Reducing the existing potential for stormwater damage to public health, safety, life, and property; and
 - c. Protecting human life and health from the hazards of flooding and degradation of water quality; and
 - d. Protecting and enhancing the quality, quantity, and availability of surface and groundwater resources; and
 - e. Preserving and enhancing existing wetlands and aquatic and riparian environments, and encouraging restoration of degraded areas; and
 - f. Controlling sediment and erosion in and from stormwater facilities, developments, and construction sites; and
 - g. Preventing the further degradation of the quality of ground and surface waters; and
 - h. Requiring appropriate and adequate provision for site runoff control, especially when the land is developed for human activity; and

- i. Requiring the design and evaluation of each site runoff control plan consistent with watershed capacities; and
- j. Encouraging the use of stormwater storage in preference to stormwater conveyance; and
- k. Lessening the taxpayers' burden for flood-related disasters, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations; and
- l. Meeting the Illinois Department of Transportation, Division of Water Resources' floodway permitting requirements delineated in 615 ILCS 5/18g (1992) ("An Act in Relation to the Regulation of the Rivers, Lakes and Streams of the State of Illinois"), as amended from time to time; and
- m. Making federally subsidized flood insurance available to individual communities and for property throughout the County by fulfilling the requirements of the National Flood Insurance Program; and
- n. Complying with the rules and regulations of the National Flood Insurance Program codified in Title 44 of the Code of Federal Regulations; and
- o. Encouraging cooperation between the County, communities, and other governmental entities with respect to flood plain and stormwater management; and
- p. Requiring cooperation and consistency in stormwater management activities within and between the units of government having stormwater management jurisdiction; and
- q. Restricting future development in the flood plain to facilities that will not adversely affect the flood plain environments or adversely affect the potential for flood damage; and
- r. Incorporating water quality and habitat protection measures in all stormwater management activities within DuPage County; and
- s. Requiring regular, planned maintenance of stormwater management facilities; and
- t. Encouraging control of stormwater quantity and quality at the most site-specific or local level; and
- u. Allowing the use of simple technologies whenever appropriate and realistic, but requiring the use of more sophisticated techniques when necessary to ensure the adequacy of stormwater controls; and
- v. Providing a procedure by which communities throughout the County may petition the Committee to implement and enforce the provisions of this Ordinance or an ordinance consistent with, and at least as stringent as, this Ordinance; and

- w. Requiring strict compliance with and enforcement of this Ordinance.
2. The purposes of this Ordinance are consistent with the Plan.
3. The purposes of this Ordinance will be implemented by its provisions.

Sec. 15-5. Reference to Watershed Plans.

1. This Ordinance recognizes the integrated nature of the watershed system and the need to study certain flood control alternatives and other stormwater management functions on a watershed-wide basis.
2. The following six major watershed divisions are identified for detailed watershed studies:
 - a. Salt Creek Watershed; and
 - b. East Branch DuPage River Watershed; and
 - c. West Branch DuPage River Watershed; and
 - d. Sawmill Creek Watershed; and
 - e. Des Plaines River Tributaries Watershed; and
 - f. Fox River Tributaries Watershed.
3. Watershed Plans or Interim Watershed Plans shall be prepared and periodically updated for these six major watersheds, to identify management projects and establish criteria for development.
4. Adopted Watershed Plans or Interim Watershed Plans which contain more specific criteria than the criteria established for County-wide application in this Ordinance shall govern over County-wide criteria. Such watershed plans, upon their completion, approval, and proper adoption, are hereby incorporated into this Ordinance without further act of the DuPage County Board.
5. Watershed-specific criteria established in such Watershed Plans or Interim Watershed Plans shall be set forth as Sections 15-117 through 15-122 of this Ordinance.
6. The County-wide requirements of this Ordinance shall apply in all watersheds unless superseded by more specific watershed criteria.

Sec. 15-6. through 15-15. Reserved.

ARTICLE 2. DEFINITIONS.

Sec. 15-16. Interpretation of Terms and Words.

The terms and words used in this Ordinance or in a waiver community ordinance shall be interpreted as follows:

1. Words used in the present tense include the future tense; and
2. Words used in the singular number include the plural number and words used in the plural number include the singular number; and
3. The words "shall", "will", and "must" are mandatory, not permissive; and
4. All distances, unless otherwise stated, shall be measured horizontally.
5. The phrases "Director or the Administrator", "Director, or the Administrator in a waiver community", or "Director, or Administrator in a complete waiver community", refer to the individual responsible for the enforcement in the specific area.

Sec. 15-17. Definitions.

Within the context of this Ordinance or a waiver community ordinance, the following words and terms shall have the meanings set forth except where otherwise specifically indicated. Words and terms not defined shall have the meanings indicated by common dictionary definition.

Administrator. The person administering the implementation and enforcement of this Ordinance; or, the person administering the implementation and enforcement of a community ordinance in a waiver community.

Applicable Engineering Practice. Procedures, methods, or materials recommended in standard engineering textbooks or references as suitable for the intended purpose.

Applicant. A person applying for a Stormwater Management Permit, which person must be either the owner or the developer of the land specified in the application.

Appropriate Use. The only uses of the regulatory floodway that may be considered for a stormwater permit. See Section 15-133 of this Ordinance.

Base Flood. The flood having a one percent probability of being equaled or exceeded in a given year.

ARTICLE 2. DEFINITIONS.

Sec. 15-16. through 15-17.

Base Flood Elevation. The height of the base flood in relation to the National Geodetic Vertical Datum of 1929.

Best Management Practices (BMPS). Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volume, prevent erosion, and capture pollutants.

Building. A structure that is constructed or erected partially or wholly above ground and is enclosed by walls and a roof. The term "building" includes manufactured homes and includes both the above-ground and the below-ground portions of the structure.

Certify/Certification. A statement that a proposed development meets the requirements of this Ordinance.

Committee. The Stormwater Management Committee of the DuPage County Board, authorized by Public Act 85-905.

Community. Any municipality, or the unincorporated County, within DuPage County acting as a unit of local government.

Compensatory Storage. An excavated hydrologically and hydraulically equivalent volume of storage created to offset the loss of existing flood storage.

CLOMA. A Conditional Letter of Map Amendment. A FEMA comment letter on a development proposed to be located in, and affecting only that portion of, the area of flood plain outside the regulatory floodway and having no impact on the existing regulatory floodway or base flood elevations.

CLOMR. A Conditional Letter of Map Revision. A letter that indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries, or floodways as shown on an effective FIRM or FBFM, after the record drawings are submitted and approved.

COE. The United States Army Corps of Engineers.

Complete Waiver. The authority granted to a community pursuant to Articles 3, 4, and 5 of this Ordinance whereby a community acquires complete jurisdiction over reviewing applications for and granting Stormwater Management Permits.

County. The County of DuPage, Illinois.

Critical Wetlands. Wetlands of the highest value by virtue of one or more high ranking characteristics that result in a uniquely valuable environment. See Sections 15-134 and 15-135 of this Ordinance.

ARTICLE 2. DEFINITIONS.
Sec. 15-16. through 15-17.

Dam. Any obstruction, wall embankment, or barrier, together with any abutments and appurtenant works, constructed to store or direct water or to create a pool (not including underground water storage tanks).

Department. The DuPage County Department of Engineering.

Developer. Any person who undertakes development or permits development on such person's behalf.

Development. Any activity, excavation or fill, alteration, subdivision, change in land use, or practice, undertaken by private or public entities that affects the discharge of stormwater; or any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials in a Special Management Areas. The term "development" does not include maintenance of stormwater facilities.

Director. The DuPage County Director of Stormwater Management or his or her designee. The Director Stormwater Management shall be a professional engineer.

Elevation Certificates. A form published by FEMA, or its equivalent, that is used to certify the base flood elevation and the lowest elevation of usable space to which a building has been constructed.

Environmental Scientist. A person with a four-year degree in a life science curriculum in which the emphasis was on ecologic systems or equivalent education, and four years of experience. Examples of such curricula are ecology, botany, or biology.

Existing Manufactured Home Park. 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 on concrete pads) is completed before the effective date of the flood plain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park. 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 street, and either final site grading or the pouring of concrete pads).

FBFM. A Flood Boundary and Floodway Map. A flood plain management map issued by FEMA that depicts, based on detailed analysis, the boundaries of the base flood, the two tenth percent (0.2%) probability flood, and the floodway.

FEMA. The Federal Emergency Management Agency.

FHBM. A Flood Hazard Boundary Map. An official map of a community, issued by FEMA, on which the boundaries of the flood, mudslide or mudflow, or related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Filter Barrier. A temporary barrier installed below small disturbed areas to intercept and detain sediment.

FIRM. A Flood Insurance Rate Map. A map issued by FEMA that is an official community map, on which map FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community. This map may or may not depict floodways. The current effective FIRMs for the incorporated and unincorporated DuPage County are listed in Exhibit 2.

FIS. Flood Insurance Study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. The current effective FIS's for the incorporated and unincorporated DuPage County are listed in Exhibit 2.

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

Flood Plain. The area typically adjacent to and including a body of water where ground surface elevations are at or below a specified flood elevation.

Floodproof. Additions, changes, or adjustments to structures or property that prevent the entry of flood water in order to protect property from flood damage.

Floodproofing Certificate. A form published by FEMA that is used to certify that a structure is floodproofed to one foot above the base flood elevation.

Floodway. The channel and that portion of the flood plain adjacent to a stream or watercourse that is needed to convey the base flood without cumulatively increasing the water surface elevation more than 0.1 feet. The maps that identify the current effective floodways for the incorporated and unincorporated DuPage County are listed in Exhibit 2.

Floodway Conveyance. The measure of the flow carrying capacity of the floodway section and is defined using Manning's equation as, $K = \frac{1.49}{n} AR^{\frac{2}{3}}$ where "n" is Manning's roughness factor, "A" is the effective area of the cross-section, and "R" is ratio of the wetted area to the wetted perimeter.

Hydrology. The science of the behavior of water, including its dynamics, composition, and distribution in the atmosphere, on the surface of the earth, and underground.

Interim Watershed Plan. A watershed plan adopted by the County Board that does not contain all of the elements in Chapter 3 of the Plan.

Lake. A natural or artificial body of water encompassing an area of two or more acres that retains water throughout the year.

ARTICLE 2. DEFINITIONS.
Sec. 15-16. through 15-17.

Land Surveyor. A person licensed under the laws of the State of Illinois to practice land surveying.

LOMA. A Letter of Map Amendment. The official determination by FEMA that a specific structure is not in a regulatory flood plain. A LOMA amends the effective FHBM, FBFM, or FIRM.

LOMR. A Letter of Map Revision. A letter from FEMA that revises base flood elevations, flood insurance rate zones, flood boundaries, or floodway as shown on an effective FHBM, FBFM, or FIRM.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usage solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of the *Code of Federal Regulations 44, Part 60.3*.

Maintenance. The selective removal of woody material and accumulated debris from, or repairs to, a stormwater facility so that such facility will perform its natural functions or the functions for which it was designed and constructed.

Major Stormwater System. That portion of a stormwater facility needed to store and convey flows beyond the capacity of the minor stormwater system.

Manufactured Home. A building, transportable in one or more sections, that is built on a permanent chassis and is designated for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for more than 180 consecutive days.

Manufactured Home Park. A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Minor Stormwater System. That portion of a stormwater facility consisting of street gutters, storm sewers, small open channels, swales, and similar facilities designed to convey runoff from the 10-year flood event or less.

New Construction. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and included any subsequent improvements to such structures. For flood plain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of the flood plain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park. A manufactured home park for which the construction of facilities for servicing 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 the effective date of flood plain management regulation adopted by a community.

ARTICLE 2. DEFINITIONS.

Sec. 15-16. through 15-17.

NFIP. The National Flood Insurance Program. The requirements of the NFIP are codified in Title 44 of the Code of Federal Regulations.

NRCS. The United States Department of Agriculture, Natural Resources Conservation Service.

Oversight Committee. A committee appointed by a waiver community to oversee the implementation and enforcement of the waiver community's ordinance.

OWR. The Illinois Department of Natural Resources, Office of Water Resources.

Parcel. Contiguous land under single ownership or control.

Partial Waiver. Authority granted to a community pursuant to Articles 3, 4, and 5 of this Ordinance whereby the waiver community acquires limited jurisdiction over reviewing applications for, and issuing, Stormwater Management Permits.

Person. Any individual, partnership, firm, school district, company, corporation, association, joint stock company, trust, estate, unit of local government, special taxing district, public utility, political subdivision, state agency, or any other legal entity, or owner, or any legal representative, agent, or assign thereof.

Plan. The DuPage County Stormwater Management Plan, adopted by the DuPage County Board in September 1989, as amended from time to time.

Pollutant. Any substance harmful to the environment that is not authorized for discharge from a storm sewer by an Illinois Environmental Protection Agency General National Pollutant Discharge Elimination System (NPDES) Permit.

Professional Engineer. A person licensed under the laws of the State of Illinois to practice professional engineering.

Professional Engineering. The application of science to the design of engineering systems and facilities, using the knowledge, skills, ability, and professional judgment developed through professional engineering education, training, and experience.

Professional Engineering Practice. The consultation on, conception, investigation, evaluation, planning, and design of, and selection of materials and methods to be used in, administration of construction contracts for or site observation of an engineering system or facility, when such consultation, conception, investigation, evaluation, planning, design, selection, administration, or observation requires extensive knowledge of engineering laws, formulae, materials, practice, and construction methods.

Public Flood Easement. An easement acceptable to the appropriate jurisdictional body that meets the regulation of the OWR, the Department, and the community, that provides legal assurances that all areas subject to flooding in the created backwater of the development will remain open to allow flooding.

ARTICLE 2. DEFINITIONS.

Sec. 15-16. through 15-17.

Record Drawings. Drawings prepared, signed, and sealed by a professional engineer or land surveyor representing the final "as-built" record of the actual in-place elevations, location of structures, and topography.

Recreational Vehicle. A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (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 recreational, camping, travel, or seasonal use.

Regulatory Flood Map. The flood plain map panels maintained and published by DuPage County which reflect the current effective flood zone boundaries as shown on the FIRM and all effective Letters of Map Change issued by FEMA.

Regulatory Flood Plain. The flood plain as determined by the base flood elevation used as the basis for regulation in this Ordinance.

Regulatory Floodway. The floodway that is used as the basis for regulation in this Ordinance.

Regulatory Wetlands. All wetlands other than critical wetlands.

Riparian Environment. Vegetated areas within the limits of the regulatory floodplain, bordering a waterway that provides habitat or amenities dependent on the proximity to water.

Runoff. The waters derived from melting snow or rain falling within a tributary drainage basin that exceeds the infiltration capacity of the soils of that basin.

Sediment Basin. Settling ponds with pipe outlet, which have both a permanent pool (dead storage) and additional volume (live and sediment storage) component, to detain sediment-laden runoff from disturbed areas to allow sediment and debris to settle out.

Sediment Trap. A small, temporary ponding basin formed by the construction of an embankment or excavated basin to detain sediment-laden runoff from disturbed areas to allow sediment and debris to settle out.

Silt Fence. A temporary filter barrier of entrenched geotextile fabric (filter fabric) stretched across and attached to supporting posts.

Soil Scientist. A person with a four-year degree in which the core curriculum included course work in a minimum of two of the following fields: soil science, pedology, edophology, and geomorphology, and which person has a minimum of two years of field experience in classifying soils.

Special Flood Hazard Area. An area having special flood, mudslide or mudflow, or flood-related erosion hazards, and which area is shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E.

ARTICLE 2. DEFINITIONS.

Sec. 15-16. through 15-17.

Special Management Areas. Regulatory flood plains, riparian environment, wetlands, or wetland buffers. See Article 10 of this Ordinance.

Start of Construction. The date the permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within 180 days of the permit date. The actual start date includes the first day of any land preparation, including clearing, grading, filling, or excavation. For substantial improvements, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Stormwater Facility. All ditches, channels, conduits, bridges, culverts, levees, ponds, natural and man-made impoundments, wetlands, wetland buffers, riparian environment, tile, swales, sewers, BMPS or other natural or artificial structures or measures which serve as a means of draining surface and subsurface water from land.

Stormwater Management Permit. A permit established by this Ordinance or by a waiver community's Stormwater Ordinance; and issued by the Department or a waiver community signifying acceptance of measures identified for proposed development to comply with this Ordinance and the Plan.

Structure. Anything that is erected or constructed. The term "structure" includes, without limitation: buildings, manufactured homes, tanks, dams, sewers, constructed channels, outfalls, parking lots, driveways, roads, sidewalks, and concrete patios.

Structural Engineer. A person licensed under the laws of the State of Illinois as a structural engineer.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building, the cost of which improvement equals or exceeds, individually or in the aggregate, 50 percent of the fair market value of the building, determined from the equalized assessed value of the building, before the start of construction of the improvement or, if the building has been damaged, before the damage occurred. The term "cost of improvement" includes the value of volunteer labor and donated materials. The term "cost of improvement" does not, however, include either (1) any project for improvement of a building to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions or (2) any alteration of a historic building that will not preclude the building's continued designation as a historic building.

Usable Space. Space used for dwelling, storage, utilities, or other beneficial purposes, including without limitation basements.

ARTICLE 2. DEFINITIONS.

Sec. 15-16. through 15-17.

Variance. An authorization recommended by the Committee or an Oversight Committee, and granted by the DuPage County Board or the corporate authorities of a waiver community, that varies certain requirements of this Ordinance or a waiver community ordinance in a manner in harmony with the application of such ordinance's general purpose and intent, which variance shall be granted only in a case where there are practical difficulties or particular hardships.

Violation. Failure of a structure or other development to be fully compliant with the regulations identified by Ordinance.

Waiver Community. A community that has been granted either a partial waiver or a complete waiver from County enforcement of this Ordinance. See Article 4 of this Ordinance.

Waiver Community Ordinance. An approved, valid, and effective stormwater management ordinance of a waiver community. See Articles 3 and 4 of this Ordinance.

Watershed. All land area drained by, or contributing water to, the same stream, lake, or stormwater facility.

Watershed Basin Committee. A technical committee established within a watershed planning area.

Watershed Benefit. A decrease in flood elevations or flood damages or an improvement in water quality, upstream or downstream of the development site.

Watershed Plan. A plan adopted by the County for stormwater management within a watershed consistent with the requirements in Chapter 3 of the Plan.

Watershed Planning Area. That area considered in a specific watershed plan, adopted as part of the Plan, and depicted on the attached Exhibit 1.

Watershed Plan Model. The hydrologic and hydraulic model meeting the standards of the Plan and used in developing a watershed plan.

Waters of DuPage.

1. All waters such as lakes, rivers, streams (including intermittent streams), mudflats, wetlands, sloughs, wet meadows, or natural ponds.
2. All impoundments of waters not otherwise defined as waters of DuPage under the definition.
3. Tributaries of waters identified above.
4. Wetlands adjacent to waters identified above.

ARTICLE 2. DEFINITIONS.
Sec. 15-16. through 15-17.

For clarification, waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR 123.11(m) which also meet the criteria of this definition) are not waters of DuPage. It should also be noted that the following waters are generally not considered to be Waters of DuPage. However, the Director, or the Administrator in a complete waiver community, reserves the right on a case-by-case basis to determine that a particular waterbody within these categories of waters is a water of DuPage.

1. Drainage and irrigation ditches excavated on dry land.
2. Artificially irrigated areas that would revert to upland if the irrigation ceased.
3. Artificial lakes created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stormwater storage, stock watering, irrigation, or settling basins.
4. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.

Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of DuPage.

Wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetland Buffer. Area within 50 feet of a regulatory wetland boundary or 100 feet of a critical wetland boundary.

Sec. 15-18. through 15-30. Reserved.

ARTICLE 2. DEFINITIONS.
Sec. 15-16. through 15-17.

ARTICLE 3. WAIVER COMMUNITY ENFORCEMENT.

Sec. 15-31. Authority.

1. Pursuant to the authority established in 55 ILCS 5/5-1062, the provisions of this Ordinance, either in part or as a whole, shall not be enforced by the County in any community located wholly or partly within the County on petition of such community and after a finding of the Committee that such community has a duly adopted stormwater management ordinance consistent with, and at least as stringent as, the Plan and this Ordinance, as they may be amended from time to time, or that such community has duly adopted the provisions of this Ordinance.
2. When a community petitions for and is granted a partial waiver of enforcement of this Ordinance, such community shall review and approve applications for Stormwater Management Permits in all areas under its jurisdiction; provided, however, that:
 - a. A partial waiver community shall send applications for Stormwater Management Permits for development in any special management area to the Director for review and certification of compliance with the provisions of this Ordinance; and
 - b. After the Director certifies the application for development in such special management area, the partial waiver community may issue the Stormwater Management Permit if the application meets the requirements of this Ordinance or the waiver community's ordinance, as applicable.
3. When such a community petitions for and is granted a complete waiver of enforcement of this Ordinance, such community shall review and approve all applications for development in all areas under its jurisdiction.

Sec. 15-32. Notice of Intent to Petition for Waiver.

1. Any community that desires to enforce, either partially or completely, within its borders the provisions of this Ordinance or its own stormwater management ordinance that is consistent with, and at least as stringent as, the Plan and this Ordinance, shall provide the Committee with written notice of that intent within 60 days after the date of enactment of this Ordinance, or in accordance with the provisions of Sec. 15-32.2.
2. For a period of 30 days beginning on the June 1st following the effective date of this Ordinance and every June 1st thereafter, any community may request a change in waiver status by providing the Committee with written notice of intent that such community intends to petition for such a change of waiver status. The Committee shall consider any such petition pursuant to the provisions of Article 4 of this Ordinance.

Sec. 15-33. Filing and Contents of Petition.

ARTICLE 3. WAIVER COMMUNITY ENFORCEMENT.
Sec. 15-31. through 15-35.

A petition to the Committee for a partial or a complete waiver of enforcement of this Ordinance shall be filed by the community with the Committee within 60 days after the date of enactment of this Ordinance or as specified in Subsection 15-32.2 of this Ordinance. Each petition shall include a duly adopted resolution or ordinance of the corporate authorities of the community including:

1. Adoption of, or an agreement to adopt the provisions of this Ordinance or an ordinance consistent with, and at least as stringent as, the Plan and this Ordinance; and
2. A proposed schedule indicating how the minimum criteria of this Ordinance will be implemented, including proposed staffing; and
3. An agreement to include a provision in any new annexation or preannexation agreement that requires every developer to comply with the stormwater standards as currently adopted or as amended from time to time with regard to any proposed development for which a plat of subdivision has not yet been recorded; and
4. An agreement that the community will be bound by the rules and procedures governing the petition, including without limitation the Committee's procedures for reasserting county jurisdiction over stormwater management within waiver community boundaries.
5. Documentation indicating the intent and ability to comply with Subsection 15-47.3 of this Ordinance.

Each petition shall specify whether the community seeks a partial waiver or a complete waiver of enforcement.

Sec. 15-34. Waiver Community Records.

1. Each waiver community shall maintain records of every Stormwater Management Permit issued and every variance granted for development within its borders.
2. Each waiver community shall maintain record drawings of all structures erected or constructed pursuant to a Stormwater Management Permit issued or variance granted by such community.
3. Each waiver community shall maintain such records for periodic inspection by the Department.
4. Each waiver community shall send to the Department a copy of each variance granted by such community, together with a copy of those documents required by Section 15-236 of this Ordinance.

Sec. 15-35. Committee Review of Waiver Community Programs.

At least once every three years the Department shall review the implementation and enforcement of each waiver community's stormwater program.

Sec. 15-36. through 15-45. Reserved.

ARTICLE 3. WAIVER COMMUNITY ENFORCEMENT.
Sec. 15-31. through 15-35.

ARTICLE 4. COMMITTEE PROCEDURES FOR WAIVER OF ENFORCEMENT.

Sec. 15-46. Committee Consideration of Petition.

The Committee shall consider each properly filed petition for either a partial or a complete waiver of County enforcement of this Ordinance at a regular or special call meeting. The Committee may take comments from interested parties, and the Committee shall have the right by rule to establish procedures for the conduct of such meetings.

Sec. 15-47. Standards for Grant of Petition.

The Committee shall grant a petition for waiver of County enforcement of this Ordinance upon finding that:

1. The community's stormwater ordinance is consistent with, and at least as stringent as, the Plan and this Ordinance, as they may be amended from time to time; and
2. The community has complied with the requirements of Article 3 of this Ordinance; and
3. By the effective date of the community's stormwater ordinance, the community shall provide reasonable assurance that it has available and will utilize experts with the following qualifications:
 - a. In a complete waiver community:
 - (1) A professional engineer with two years experience in stormwater and flood plain management; and
 - (2) A professional engineer with two years experience in the application of continuous hydrology and fully dynamic hydraulic models; and
 - (3) An environmental scientist who has attended at least one course in wetland delineation approved by the Department; and
 - (4) A soil scientist; or,
 - b. In a partial waiver community, a professional engineer with two years experience in stormwater and flood plain management.
 - (1) A professional engineer with two years experience in stormwater and flood plain management; and
 - (2) A professional engineer with two years experience in the application of continuous hydrology and fully dynamic hydraulic models; and

ARTICLE 4. COMMITTEE PROCEDURES FOR WAIVER OF ENFORCEMENT.

Sec. 15-46. through 15-49.

Sec. 15-48. Decision; Findings and Decision in Writing.

The Committee shall decide, based upon all of the facts and circumstances: whether to deny the petition; whether to grant the petition and approve a partial waiver; or, whether to grant the petition and approve a complete waiver. The Committee's findings and decision shall be in writing, and shall specify whether a partial or a complete waiver has been approved or whether the petition has been denied, and shall specify the reasons for granting or denying the petition.

Sec. 15-49. Final Action Required By Committee.

If the Committee fails to take final action on a community's petition within 75 days after the petition for application has been properly completed and filed with the Committee, such petition shall be deemed to be granted; provided, however, that the Committee may, on its own motion, extend such 75-day period for not more than one additional 60-day period, during which additional 60-day period this Ordinance shall not be enforced by the County in such community.

Sec. 15-50. through 15-55. Reserved.

ARTICLE 4. COMMITTEE PROCEDURES FOR WAIVER OF ENFORCEMENT.

Sec. 15-46. through 15-49.

ARTICLE 5. COMMITTEE ENFORCEMENT WITHIN WAIVER COMMUNITIES.

Sec. 15-56. Authority for Committee Action.

1. The Committee may, at its discretion, direct the Department to investigate substantive complaints concerning the failure of a waiver community to implement or enforce its waiver community ordinance.
2. If, after investigation and hearing pursuant to the provisions of this Article 5, the Committee determines that such waiver community has failed in some significant way, or has repeatedly failed, to implement or enforce its waiver community ordinance, then the Committee may revoke any previously granted partial or complete waiver, and the provisions of this Ordinance shall have full force and effect and shall be enforced within the boundaries of such waiver community by the County.

Sec. 15-57. Complaints.

1. Any person may file a written complaint with the Committee alleging that a waiver community or the Department has failed in some significant way, or has repeatedly failed, to implement or enforce the applicable stormwater management ordinance.
2. Such complaint shall contain a short statement of facts describing how the waiver community or the Department has so failed in some significant way, or has repeatedly failed, to implement or enforce the waiver community ordinance or this Ordinance.

Sec. 15-58. Complaint Investigation and Review.

1. Upon receipt of a complaint, the Department shall notify, and provide a copy of the complaint to, any community named in the complaint.
2. The Department shall conduct an investigation of the complaint, including without limitation:
 - a. An inspection of all relevant records related to the implementation and enforcement of the waiver community ordinance or this Ordinance by the community or the Department; and
 - b. Field inspections of relevant developments, structures, or stormwater facilities.
3. The Department shall compile such information as it determines is necessary to determine whether the community or the Department has failed in some significant way, or has repeatedly failed, to implement or enforce the waiver community ordinance or this Ordinance.
4. If the Department determines that the community or the Department has failed in some significant way, or has repeatedly failed, to implement or enforce its stormwater ordinance, then it shall prepare

ARTICLE 5. COMMITTEE ENFORCEMENT WITHIN WAIVER COMMUNITIES.

Sec. 15-56. through 15-63.

a report of its findings and determinations and file such report with the Committee. In the case of a complaint against the Department, and a determination by the Department that the Department has not acted improperly, the Department shall prepare a report of such findings and determinations and file such report with the Committee.

5. The Department shall provide a copy of its report to the complainant and the community.

Sec. 15-59. Formal Complaint of Committee.

1. After receipt of the Department report specified in Subsection 15-58.4 of this Ordinance, the Committee may request the State's Attorney, by his assistant, to issue and serve on the Department or the community that is the subject of the investigation a written notice of charges together with a formal complaint.
2. The formal complaint shall specify the manner in which the community or the Department has failed in some significant way, or has repeatedly failed, to implement or enforce the applicable Stormwater Ordinance.
3. The complaint shall also advise the community or the Department of its right to answer the charges specified therein at a public hearing before the Committee. The date, time, and place of such hearing shall be specified in the written notice.
4. A copy of the written notice and formal complaint shall also be sent to OWR, FEMA, adjacent communities within the same watershed planning area, and to any person that has filed a complaint about the community or the Department within the six months immediately preceding the date of the complaint.

Sec. 15-60. Answer and Time for Filing.

The community or the Department shall have the right to file a written answer to the allegations contained in the formal complaint at least seven days prior to the date for which the public hearing is first scheduled. No written answer shall be allowed to be filed less than seven days prior to the date for which the public hearing is first scheduled except by leave of the Committee.

Sec. 15-61. Public Hearing.

Any public hearing required by this Article shall be set, noticed, and conducted by the Committee in accordance with the provisions of Section 15-256 of this Ordinance. Such hearing shall be commenced not less than 30 days nor more than 45 days after the date of service of the written notice.

Sec. 15-62. Committee Decision.

1. After due consideration of all written and oral statements, testimony, and arguments submitted at the

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public hearing, or upon default in appearance of the community or the Department on the hearing day specified in the notice, the Committee shall issue a final determination, as it shall deem appropriate under the circumstances.

2. The Committee shall file a written opinion, within thirty-five (35) days of the conclusion of the public hearing, stating the facts and reasons leading to its decision.
3. The Committee shall immediately notify the community or the Department of the Committee's opinion and order, if any, in writing.
4. If the Committee determines that a fine or other penalty other than reduction or rescission of waiver status is to be sought, then it shall request the State's Attorney to file a complaint for such in a court of competent jurisdiction.
5. If the Committee determines that reduction or rescission of waiver status is mandated then such reduction or rescission shall occur at the direction of the Committee. The Committee's opinion and determination may be appealed in a court of competent jurisdiction. Any such appeal must be filed within thirty (30) days of issuance of the Committee's written determination.

Sec. 15-63. Committee Determinations.

The Committee may by final determination revoke any partial or complete waiver of County enforcement of this Ordinance previously granted, specifying the date on which the revocation will be effective; or the Committee may issue any other order directing the community or the Department to take such actions or measures as the Committee deems are necessary and appropriate to assure cooperation and proper enforcement of the waiver community ordinance or this Ordinance.

Sec. 15-64. through 15-70. Reserved.

ARTICLE 5. COMMITTEE ENFORCEMENT WITHIN WAIVER COMMUNITIES.

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ARTICLE 6. DUAL COUNTY COMMUNITIES.

Sec. 15-71. Choice of Planning Jurisdiction.

1. Pursuant to the authority granted by 55 ILCS 5/ 5-1062(b) (1992), as amended, a community that is located in more than one county may choose, at the time of formation of the stormwater management planning committee, and based on watershed boundaries, to participate in the stormwater management planning program of either or both of the counties.
2. The following communities should express their intent to choose to be included within or excluded from the jurisdiction of the Plan and this Ordinance: Aurora, Bartlett, Batavia, Bensenville, Bolingbrook, Burr Ridge, Chicago, Elk Grove Village, Hanover Park, Hinsdale, Lemont, Naperville, Oak Brook, Roselle, St. Charles, Schaumburg, Wayne, and Woodridge.
3. The Committee shall include the above-listed communities within the scope of its planning and enforcement jurisdiction unless the community provides documentation of its intent to participate in the stormwater management planning program of the other county.

Sec. 15-72. through 15-77. Reserved.

ARTICLE 7. GENERAL PROVISIONS.

Sec. 15-78. Scope of Regulation.

1. This Ordinance or the applicable waiver community ordinance shall apply to all development of property within the boundaries of the County, including those under the control of any governmental entity, agency, or authority.
2. The provisions of this Ordinance or the applicable waiver community ordinance shall not apply to:
 - a. Structures and land uses existing as of the effective date of this Ordinance except when re-developed; and
 - b. Proposed developments that are listed on the Official List of Exempt Developments submitted by each community in accordance with Section 15-79 of this Ordinance. All such developments shall meet at least one of the following criteria:
 - (1) Building permits for such development were issued prior to the effective date of this Ordinance; or
 - (2) Engineering of all stormwater facilities for such development was submitted to and approved by the community engineer prior to the effective date of this Ordinance; or
 - (3) Annexation agreements or ordinances or other agreements were recorded or executed prior to the effective date of this Ordinance which specifically exempt such development from community codes; or
 - (4) For other developments, contractual agreements executed prior to the effective date of this Ordinance which specifically exempt such development from community codes; or
 - (5) Approvals resulting from judicial decrees preclude application of this Ordinance.

The exemption granted pursuant to this Subsection 2 shall extend only to the specific improvements authorized by the building permit, engineering approval, or judicial decrees, and all specific limitations agreed to in any annexation agreement or ordinance or contract shall apply. All other development not previously specifically exempted shall remain subject to the provisions of this Ordinance or the applicable waiver community ordinance.

3. Nonconforming structures shall not be replaced or enlarged in any manner unless such replacements or enlargements conform to the requirements of this Ordinance or the applicable waiver community ordinance.

Sec. 15-79. Official Lists of Exempt Developments.

1. Each community shall submit to the Committee a list of exempt proposed developments meeting the

criteria listed in Subsection 15-78.2 of this Ordinance within 60 days after the enactment of this Ordinance by the County Board. Such list shall be known as the Official List of Exempt Developments.

2. An Official List of Exempt Developments may be modified by the community and resubmitted to the Committee at any time prior to the effective date of this Ordinance.
3. Each Official List of Exempt Developments or revisions thereof shall be approved by an official action of the corporate authorities of the community, and shall be acknowledged in writing by the Director on behalf of the Committee.
4. The Committee may challenge any Official List of Exempt Developments or any revision thereof submitted by a community within 60 days after proper submission of such list or revision. The Committee shall state in writing its reasons for rejection of any development as not being in accordance with the provisions of Subsection 15-78.2 of this Ordinance.
5. The community may add a development to, or delete a development from, the Official List of Exempt Developments and resubmit such list to the Committee in accordance with Subsection 15-79.3 of this Ordinance after the effective date of this Ordinance if an applicant shows that the criteria listed in Subsection 15-78.2 of this Ordinance have been met or if the community has determined that the criteria listed in Subsection 15-78.2 of this Ordinance have not been met.
6. Prior to resubmitting its Official List of Exempt Development to the Committee deleting a development, the community resubmitting such list with such deletion shall notify the affected owner or developer of such deletion in writing and provide such owner or developer an opportunity to respond to the community.

Sec. 15-80. Interpretation.

1. This Ordinance and the waiver community ordinances shall be liberally construed to protect the health, welfare, safety, and the environment of the residents of the County and to effectuate the purposes of this Ordinance and the waiver community ordinances and the enabling legislation.
2. Nothing contained in this Ordinance or the waiver community ordinances shall be deemed to consent to, license, permit to locate, construct, or maintain any structure, site, facility or operation, or to carry on any trade, industry, occupation, or activity.
3. When provisions of this Ordinance or any waiver community ordinance differ from any other applicable statute, law, ordinance, regulation, or rule, the more stringent provision shall apply.
4. The provisions of this Ordinance and the waiver community ordinances are cumulative and shall be considered additional limitations on all other laws and ordinances previously approved or that may hereafter be approved and that concern any subject matter included in this Ordinance or any waiver community ordinance.

ARTICLE 7. GENERAL PROVISIONS.

Sec. 15-78. through 15-81.

Sec. 15-81. Warning and Disclaimer of Liability.

1. The degree of flood protection provided by this Ordinance or any waiver community ordinance is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study.
2. Increased flooding may result from causes beyond the control of the County or any community.
3. This Ordinance and the waiver community ordinances do not, therefore, imply that areas outside the delineated flood plain or permitted land uses within the delineated flood plain will be free from flooding and associated damages.
4. Neither this Ordinance nor any waiver community ordinance shall be construed or applied in any manner to create liability on the part of or a cause of action against the County, any community, or any elected official, officer, agent, or employee thereof, for any flood damage resulting from reliance on the provisions of this Ordinance or any waiver community's ordinance or from reading or interpreting any map that is part of this Ordinance or any waiver community ordinance.

Sec. 15-82. through 15-90. Reserved.

ARTICLE 7. GENERAL PROVISIONS.
Sec. 15-78. through 15-81.

ARTICLE 8. ADMINISTRATION.

Sec. 15-91. Responsibility for Administration.

1. The Committee, or the Oversight Committee in a waiver community, shall determine policy related to and direct the enforcement of this Ordinance or the waiver community's ordinance, as applicable.
2. The Director, or the Administrator in a waiver community, shall have the authority and responsibility for the administration of this Ordinance or the waiver community's ordinance, as applicable. In performing his or her duties, the Director or the Administrator may delegate routine responsibilities to any named designee.
3. Each community shall remain solely responsible for its standing in the NFIP and for:
 - a. Maintaining records and submitting reports required for the NFIP, including elevation certificates, floodproofing certificates, and lowest floor elevations; and
 - b. Notifying the Director, FEMA, OWR, COE, the Illinois Environmental Protection Agency, and the Federal Environmental Protection Agency of any proposed amendment to this Ordinance or the waiver community's ordinance.

Sec. 15-92. Duties of Director.

The duties and functions of the Director shall include:

1. Supervising the execution of this Ordinance; and
2. Supervising the development and revision of the appendices of the Plan for Committee and County Board approval and taking such actions as are reasonably necessary and proper to carry out the purposes and provisions of this Ordinance; and
3. Certifying flood plain delineations and support documentation from partial waiver communities for any CLOMR, LOMR, CLOMA, and LOMA requirement, which certification may be done concurrent with submittal to OWR or its designee and FEMA; and
4. Developing and maintaining County-wide regulatory maps; and
5. Directing the application and review of complex Stormwater Management Permits for any community that requests such assistance; and
6. Performing, in non-waiver communities, the duties which are assigned to the Administrator in waiver communities; and
7. Reviewing and certifying proposed developments in special management areas within partial waiver communities; and

ARTICLE 8. ADMINISTRATION.
Sec. 15-91. through 15-96.

8. Keeping OWR and FEMA informed of community waiver and ordinance status within 30 days after any changes in status; and
9. Notifying the communities, FEMA, OWR, COE, the Illinois Environmental Protection Agency, and the Federal Environmental Protection Agency of any amendments to the Plan or this Ordinance.

Sec. 15-93. Duties of Administrator in Waiver Community.

The duties and functions of the Administrator shall include:

1. Ensuring that copies of all applicable required federal, state, and regional permits or County approvals are received prior to issuing any permits required by the waiver community ordinance; and
2. Verifying the existence of special management areas for each application; and
3. Reviewing and approving certificates and issuing any permits or notices required by the waiver community ordinance; and
4. Notifying the Director and owners of adjacent upstream, downstream, and potentially affected property, affected state and federal agencies, and watershed basin communities, and publishing a notice in a local newspaper of any variance requested from the provisions of the waiver community ordinance; and
5. Notifying the Director and all affected persons defined in Subsection 15-93.4 of this Ordinance of any alteration or relocation of a watercourse including application for CLOMR or LOMR; and
6. Providing for inspections of developments as provided in Section 15-197 of this Ordinance under the terms of the waiver community's ordinance; and
7. Investigating complaints of violations of the waiver community's ordinance; and
8. Notifying any applicant for a variance that granting the variance may result in increased rates for flood insurance; and
9. Notifying the Director and other jurisdictions of alleged violations of their permit programs; and
10. Notifying violators within regulatory flood plains that failure to comply with NFIP provisions could make them ineligible to receive flood insurance; and
11. Initiating any proceeding necessary to enforce the waiver community ordinance; and
12. Encouraging and conducting studies, investigations, and research relating to the physical, chemical, ecological, engineering, and other aspects of stormwater management; and
13. Advising, consulting with, and cooperating with other governmental agencies to promote the purposes of this Ordinance and the waiver community's ordinance; and

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14. Maintaining for public inspection copies of all applications and submittals, federal and state permit documents, variation documentation, CLOMR, LOMR, CLOMA, LOMA, and all other documents required pursuant to Article 11 of this Ordinance as directed under the waiver community's ordinance; and
15. Sending copies of any application for a CLOMR, LOMR, CLOMA, or LOMA to the Director; and
16. Receiving certification for development in special management areas from the Director prior to partial waiver community approval of any CLOMR, LOMR, CLOMA, or LOMA; and
17. Sending a copy of any petition or request for a variance from the terms of the waiver community ordinance to the Committee before any such variance is approved by the Oversight Committee; and
18. Submitting the necessary information to the Director relating to development in order to maintain County-wide regulatory maps and for supervision of the Ordinance. This includes, but is not limited to, copies of any Stormwater Management Permits, CLOMR, LOMR, CLOMA, and LOMA.
19. Maintaining documentation on "cost of improvement" on buildings in the flood plain, relating to the substantial improvements requirements of this Ordinance.

Sec. 15-94. Representative Capacity.

In all cases when any action is taken by the Director or the Administrator, or his or her duly appointed designee, to enforce the provisions of this Ordinance or the waiver community's ordinance, such action shall be taken either in the name of and on behalf of the County or of the waiver community, or the people of the State of Illinois, and neither the Director nor the Administrator, or his or her designee, in so acting for the County or the waiver community shall be rendered personally liable.

Sec. 15-95. Watershed Basin Committee.

1. A Watershed Basin Committee shall be established in every watershed planning area throughout the County.
2. The Watershed Basin Committee may mediate any technical disputes between the Director and the Administrator or the communities concerning the technical interpretation or application of the provisions of this Ordinance or the waiver community ordinances. Each member of the Watershed Basin Committee shall have equal voting rights. Recommendations shall be made by a majority of the members in attendance.
3. The Watershed Basin Committee shall be comprised of one professional engineer representing each community in a watershed planning area and one professional engineer representing the Department.
4. The Watershed Basin Committee shall, if requested by the Committee or an Oversight Committee, evaluate technical issues related to a specific application and render an opinion.

ARTICLE 8. ADMINISTRATION.
 Sec. 15-91. through 15-96.

Sec. 15-96. Oversight Committee.

1. An Oversight Committee shall be established to oversee the implementation and enforcement of the waiver community's ordinance within its jurisdiction.
2. The corporate authorities of a community, or any representatives duly appointed by the corporate authorities, may serve as the Oversight Committee.
3. The Oversight Committee, when considering appeals or variances, may request an opinion from the Watershed Basin Committee on technical issues.

Sec. 15-97. through 15-110. Reserved.

ARTICLE 8. ADMINISTRATION.
Sec. 15-91. through 15-96.

**ARTICLE 9. REQUIREMENTS FOR STORMWATER AND FLOOD
PLAIN MANAGEMENT.**

Sec. 15-111. General Information.

1. All developments shall meet the requirements specified for general stormwater and flood plain development (Section 15-112), site runoff (Section 15-113), sediment and erosion control (Section 15-117), and performance security (Article 13).
2. All developments, with consideration given to those developments as noted in Section 15-111.3 of this ordinance, shall comply with the site runoff storage requirements provided in Section 15-114 of this Ordinance in which:
 - a. The parcels being developed total three acres or greater for single or two family residential subdivision land uses; or
 - b. The parcels being developed total one acre or greater for multiple family or non-residential subdivision land uses; or
 - c. The parcels being developed total one acre or greater for multiple family or non-residential developments and the new development totals either individually or in the aggregate after February 15, 1992 to more than 25,000 square feet; or
 - d. The area being developed totals one acre or greater for road developments in rights-of-way under the ownership or control of a unit of government.
3. The Director or Administrator in a waiver community shall consider granting an exception to Section 15-111.2 of this Ordinance for those developments listed below, if specific requirements are met for such development as listed or required by the Administrator:
 - a. The development is strictly limited to the grading of pervious area, in which the following specific requirements are met:
 - (1) The Applicant must demonstrate to the administrator's satisfaction that for all storm events, up to and including the critical duration 100-year event, the grading activity does not:
 - a) Result in an increase in runoff volume; and,
 - b) Result in an increase in peak release rate; and,
 - c) Result in a time decrease associated with the time of concentration; and,
 - d) Contribute to adjacent flood problems; and,
 - e) Alter the direction of runoff.

ARTICLE 9. REQUIREMENTS FOR STORMWATER AND FLOOD PLAIN MANAGEMENT

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- b. The development is strictly limited to the reconstruction of an existing parking lot, in which the following specific requirements are met:
 - (1) The Applicant must demonstrate that the reconstruction will remain in the same foot print as the existing parking lot; and,
 - (2) The Applicant must demonstrate to the administrator's satisfaction that for all storm events, up to and including the critical duration 100-year event, the development activity does not:
 - (a) Result in an increase in runoff volume; and,
 - (b) Result in an increase in peak release rate; and,
 - (c) Result in a time decrease associated with the time of concentration; and,
 - (d) Contribute to adjacent flood problems; and,
 - (e) Alter the direction of runoff.
- c. The development is strictly a Regional Stormwater Management Project or a Flood Control project in substantial compliance with either a watershed plan or other said study as reviewed and approved by the DuPage County Stormwater Management Committee.
- d. The development is strictly a Stream Bank Stabilization project.
- e. The development is strictly limited to the construction, or re-construction, of a pedestrian walkway/bike path, in which the following specific requirements are met:
 - (1) The pedestrian walkway/bike path shall not exceed twelve (12) feet in width; and,
 - (2) The pedestrian walkway/bike path must be constructed by a government agency (e.g., DuPage County regional trail system, municipal sidewalk program, etc.)
 - (3) The pedestrian walkway/bike path shall not be constructed in such a manner as to violate Section 15-112 of this Ordinance.
- f. The development is strictly limited to the creation of a DuPage County recognized wetland bank and/or wetland mitigation site.
- g. The development is strictly limited to the modification of an existing stormwater management facility to incorporate Best Management Practices.
- h. The development is strictly limited to the construction of a single-family residential structure on a parcel of land greater than three (3) acres.

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- i. The development is greater than one acre and the existing parcel(s) is greater than eighty percent (80%) impervious on March 8, 2005, in which the following specific requirements are met:
 - (1) Where there are no known off-site flooding problems that the development is contributory to, sufficient site runoff storage shall be provided in pervious (vegetative) areas such that the probability of the post development release rate exceeding 0.04 cfs/acre of development shall be less than fifty percent (50%) per year (2-yr event), unless the applicant demonstrates to the Administrator why this criteria can't be met and the following specific requirements are met:
 - (a) Where detention storage is provided in impervious areas (i.e. underground tanks, parking lots, etc.) best management practices as described in Section 15-113.11 of this Ordinance shall be required and the applicant shall demonstrate that these practices are appropriate and effective for the site conditions
 - (b) Where the required site runoff storage cannot be provided on-site, the shorted storage shall be provided off-site or by payment into an approved detention variance fee program as determined in Section 15-115 of this Ordinance.
 - (2) The required storage in Section 15-111.3.i.(1) is required for the total project, regardless of phasing.
 - (3) Site runoff storage facilities shall meet the requirements of Section 15-114 of this Ordinance.
 - (4) Where there are known off-site flooding problems, the Administrator may require additional site runoff storage, best management practices or other measures to reduce the flood potential.
 - (5) The post development site runoff storage shall not be less than the existing site runoff storage.
 - (6) There shall be no increase in peak release rates up to and including the one percent probability of occurrence (100-yr) per year.
 - (7) Additions to an existing site that increase the imperviousness above the eighty (80%) threshold are subject to providing the full storage such that the probability of the release rate exceeding 0.1 cfs/acre of new development is less than one percent (1.0%) per year, providing the new development is greater than 25,000 square feet.
 - (8) Approved Stormwater plans or permits that contain more stringent criteria than Section 15-111.3.i will apply.
4. Developments shall also meet the more specific requirements of applicable adopted Watershed Plans or adopted Interim Watershed Plans, set forth in Sections 15-117 through 15-122.
5. All development within special management areas, shall also satisfy the requirements specified in Article 10 of this Ordinance.

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6. All developers shall submit the documents specified in Article 11 of this Ordinance to verify compliance with these requirements.
7. Facilities constructed under the provisions of this Ordinance or the waiver community ordinance shall be maintained according to the criteria and guidelines established in the Plan. Maintenance is the responsibility of the owner of the land on which the stormwater facilities are constructed unless the responsibility is assigned, pursuant to Section 15-180 of this Ordinance, to an entity acceptable to the governmental unit that has jurisdiction over such land.

Sec. 15-112. General Stormwater and Flood Plain Requirements.

The following general stormwater and flood plain requirements shall apply to all development.

1. Development shall not:
 - a. Result in any new or additional expense to any person other than the developer for flood protection or for lost environmental stream uses and functions; nor
 - b. Increase flood elevations or decrease flood conveyance capacity upstream or downstream of the area under the ownership or control of the developer; nor
 - c. Pose any new or additional increase in flood velocity or impairment of the hydrologic and hydraulic functions of streams and flood plains unless a watershed benefit is realized; nor
 - d. Violate any provision of this Ordinance or any applicable waiver community ordinance either during or after construction; nor
 - e. Unreasonably or unnecessarily degrade surface or ground water quality.
2. Analysis and design of all stormwater and flood plain facilities required for development shall:
 - a. Meet the standards and criteria established in the Plan and, if available, in Watershed Plans or in Interim Watershed Plans; and
 - b. Consider the Technical Guidance for the DuPage Countywide Stormwater and Flood Plain Ordinance for the Plan; and
 - c. Be consistent with techniques specified in the Watershed Plans or the Interim Watershed Plans; and
 - d. Consider existing and ultimate watershed and land use conditions, with and without the proposed development.
3. Stormwater facilities shall be functional before building permits are issued for residential and non-residential subdivision.

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4. Stormwater facilities shall be functional where practicable for single parcel developments before general construction begins.
5. In areas outside the boundary of the regulatory flood plain all usable space in new buildings, or added to existing buildings shall either be elevated, floodproofed, or otherwise protected such that the lowest entry shall be at least one foot above the adjacent base flood elevation to prevent the entry of surface stormwater. Floodproofing devices shall be operational without human intervention. If electricity is required for protection against flood damage, there shall be a backup power source which will activate without human intervention. Floodproofing measures shall be certified by a professional engineer.
6. All usable space in new buildings or added to existing buildings adjacent to a major stormwater system, site runoff storage facility overflow path or site runoff storage facility, shall be elevated, floodproofed, or otherwise protected to at least one foot above the design elevation to prevent the entry of surface stormwater. The design elevation is the elevation associated with the design rate as determined in Section 15-114.8.f

Sec. 15-113. Site Runoff Requirements.

1. Stormwater facilities shall be required and shall be designed so that runoff exits the site at a point where flows will not damage adjacent property.
2. Stormwater facilities shall be designed to conform with the requirements of Illinois law and the applicable Sections 15-117 through 15-122 of this Ordinance.
3. Minor stormwater systems shall be sized to convey runoff from the tributary watershed under fully developed conditions consistent with the design requirements of the local jurisdiction.
4. Major stormwater systems shall be sized to carry the base flood without causing additional property damage.
5. Design runoff rates shall be calculated by using continuous simulation models or by event hydrograph methods. If event hydrograph methods are used, they must be either HEC-1 SCS runoff method, TR-20, or TR-55 tabular method. Event methods must incorporate the following assumptions:
 - a. Antecedent moisture condition = 2; and
 - b. Huff or SCS Type II rainfall distribution.
6. Any design runoff rate method shall use Illinois State Water Survey Bulletin 70 northeast sectional rainfall statistics or the National Oceanic and Atmospheric Administration continuous rainfall record from 1949 to present at the Wheaton gage, and shall calculate flow from all tributary area upstream of the point of design.

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7. Major and minor stormwater systems shall be located within easements or rights-of-way explicitly providing for public access for maintenance of such facilities.
8. Maximum flow depths on any roadway shall not exceed six inches during the base flood condition.
9. Transfers of waters between watersheds shall be prohibited except when such transfers will not violate the provisions of Subsection 15-112.1 of this Ordinance.
10. Stormwater facilities for runoff upstream of flood protection facilities shall provide for conveyance or storage of flood waters without increased potential for damage to real or personal property during base flood conditions.
11. Developments requiring a Stormwater Management Permit under Section 15-147 of this Ordinance shall treat the developed area for pollutants from the site in accordance with accepted practices and procedures, examples of which are in Appendix E of the DuPage County Countywide Stormwater and Flood Plain Ordinance, Part I-Technical Guidance, Water Quality Best Management Practices, with the following exceptions:
 - a. The parcels being developed total less than one acre for single or two family land uses.
 - b. The Director or Administrator in a waiver community shall consider granting an exception to section 15-113.11 for those developments listed in section 15-111.3.b. and e.
12. Developments requiring a Stormwater Management Permit under Section 15-147 of this Ordinance shall, to the extent practical, incorporate the following Best Management Practices into the site design to minimize increases in runoff rates, volumes, and pollutant loads:
 - a. All runoff from rooftops and parking lots, and discharge from sump pumps, that does not discharge into a site runoff storage facility shall be directed onto vegetated swales or filter strips, for a distance of at least 50 feet.
 - b. Vegetated swales shall be utilized, where appropriate, as an alternative to storm sewers to promote the infiltration of stormwater and the filtration of stormwater pollutants.
 - c. Effective impervious surface area should be limited by site designs which minimize the area of streets, parking lots, and rooftops and/or utilize permeable paving material such as concrete grids in low traffic areas.
 - d. Other Best Management Practices such as infiltration basins and trenches (where permeable soils are present) and filtration basins and sand filters (on highly impervious or industrial developments) shall be utilized where appropriate.
 - e. The practices and procedures established in the Technical Guidance for the DuPage Countywide Stormwater and Flood Plain Ordinance for the Plan and as described in the United States Environmental Protection Agency's "Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters", dated January 1993.
13. Developments shall incorporate all Best Management Practices as may be required pursuant to the United States Clean Water Act, 33 U.S.C. §§ 1251 et seq., as amended.

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Sec. 15-114. Site Runoff Storage Requirements (Detention).

1. Maximum site runoff storage requirements shall be consistent with the information, procedures, and requirements of the applicable Sections 15-117 through 15-122 of this Ordinance, except as limited by the provisions of Subsection 15-114.2 of this Ordinance.
2. If no release rate, or a greater release rate than identified below, is specified in the applicable Sections 15-118 through 15-122 of this Ordinance, then sufficient storage shall be provided such that the probability of the post development release rate exceeding 0.1 cfs/acre of development shall be less than one percent (1.0%) per year. Design runoff volumes shall be calculated using continuous simulation or event hydrograph methods.
3. If event hydrograph methods are used to calculate design runoff volumes, they must be either HEC-1 SCS runoff method with outlet routing option, TR-20 with outlet control routing option, or TR-55 tabular method with outlet control routing. Event methods shall incorporate the following assumptions:
 - a. Antecedent moisture condition = 2; and
 - b. Huff or SCS Type II rainfall distribution; and
 - c. Twenty-four (24) hour duration storm with a one percent (1.0%) probability of occurrence in any one year as specified by Illinois State Water Survey Bulletin 70 northeast sectional rainfall statistics.
4. If continuous simulation methods are used, design runoff volumes shall be calculated using the Wheaton National Oceanic and Atmospheric Administration rainfall record from 1949 to present.
5. For sites where the undeveloped release rate is less than the maximum release rate in Subsection 15-114.2 of this Ordinance, the developed release rate and corresponding site runoff storage volume shall be based on the existing undeveloped release rate for the development site.
6. All hydrologic and hydraulic computations must be verified under the full range of expected downstream water surface elevations, from low flow through the base flood elevation.
7. Responsibility for maintenance of all storage facilities shall be designated on the plat of subdivision or other recorded documents.
8. Storage facilities shall be designed and constructed with the following characteristics:
 - a. Water surface depths two feet above the base flood elevation will not damage the storage facility.
 - b. The storage facilities shall be accessible and easily maintained.
 - c. All outlet works shall function without human intervention or outside power and shall operate with minimum maintenance.
 - d. Storage facilities shall facilitate sedimentation and catchment of floating material.

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- e. Storage facilities shall minimize impacts of stormwater runoff on water quality by incorporating Best Management Practices.
 - f. Storage facilities shall provide an overflow structure and overflow path that can safely pass excess flows through the development site. The minimum design rate shall be 1.0 cfs/acre of area tributary to the storage facility.
9. Storage facilities located within the regulatory flood plain shall:
- a. Conform to all applicable requirements specified in Article 10 of this Ordinance; and
 - b. Store the required site runoff under all stream flow and backwater conditions up to the base flood elevation; and
 - c. Not allow design release rates to be exceeded under any stream elevation less than the base flood elevation.
10. Storage facilities located within the regulatory floodway shall:
- a. Meet the requirements for locating storage facilities in the regulatory flood plain; and
 - b. Be evaluated by performing hydrologic and hydraulic analysis consistent with the standards and requirements for Watershed Plans; and
 - c. Provide a watershed benefit.
11. Developments with storage facilities that have off-site flow tributary to the site either shall provide storage sufficient to accommodate runoff from the off-site tributary watershed and the site, or shall store the site runoff and convey off-site flows through the development while preserving the existing flow and storage of the site.
12. Storage facilities may be located off-site if the following conditions are met:
- a. The off-site storage facility meets all of the requirements of this Article 9; and
 - b. Adequate storage capacity in the off-site facility is dedicated to the development; and
 - c. The development includes provisions to convey stormwater to the off-site storage facility.

Sec. 15-115. Detention Variance Fee Program.

- 1. Where a variance to the site runoff storage requirements of Section 15-114 is granted, payment into a detention variance fee program shall be made prior to the issuance of a Stormwater Management Permit as a condition of the variance.
- 2. Development in a non-waiver community or in a waiver community that has not adopted a detention variance fee program shall participate in the County's program where:

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- a. Payment of a detention variance fee for the varied storage shall be made to the County and is determined by applying the first applicable criteria as follows:
 - (1) A fee calculated by multiplying the per acre-foot cost of the closest off-site storage facility times the varied storage where:
 - (a) A design concept plan for the facility has been approved by the Committee and the County Board containing an estimate of the per acre-foot cost of constructing the storage, including operation and maintenance costs; and
 - (b) A formula has been developed to determine that any investment in the facility shall be at least equal to the cost of planning, acquiring of lands, constructing, operating, and maintaining the facility; and
 - (c) The facility is located in the same watershed planning area as the variance.
 - (2) An adopted fee schedule, attached to this Ordinance as Schedule B and by this reference incorporated into this Ordinance, that identifies reasonable and rational cost to provide site runoff storage in the same watershed planning area as the variance. The fee shall include the cost of planning, acquiring land, construction, operation, and maintenance.
 - b. Funds collected shall be accounted for in separate project or watershed planning area accounts. Funds shall be used in the same community or watershed planning areas as collected to enhance existing site runoff storage facilities and related components, construct off-site facilities and related components, provide maintenance of stormwater facilities, or undertake other development that provides a watershed benefit.
 - c. The County Board shall provide accounting on an annual basis of all funds deposited in each project or watershed planning accounts and shall account for each fund on a first-in, first-out basis.
 - d. The Committee may prioritize and allocate funds on an annual basis within each watershed planning area account. Communities may make a request to the Committee by June 30th of each year for funds within the watershed planning accounts for uses identified in Section 15-115.2.b.
 - e. All detention variance fees are refunded to the person who paid the fee, or to that person's successor in interest, whenever the County fails to encumber the fees collected within 10 years of the date on which such fees are collected.
 - f. Refunds are made provided that the person who paid the fee, or that person's successor in interest, files a petition with the County within one year from the date on which such fees are required to be encumbered.
3. Development in a waiver community shall participate in the waiver community's detention variance fee program where the corporate authority has adopted a program that is consistent with Section 15-115.2. The waiver community may adopt its own fee schedule and designate off-site facilities.

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Funds may be used in the same community or watershed planning area as collected. All accounting records shall be made available to the Committee upon request.

Sec. 15-116. Water Quality BMP Fee-in-Lieu Program.

1. The applicant for single or two family residential land uses that are not specifically exempted by 15-113.11 may elect to pay a fee-in-lieu of providing water quality BMPS under the following conditions:
 - a. A Stormwater Management Permit is required under section 15-147 of this Ordinance, and
 - b. The development is not required to provide site runoff storage per Section 15-111.2, and
 - c. Payment into a BMP fee-in-lieu program shall be made prior to the issuance of a Stormwater Management Permit.
2. The applicant for multiple family or non-residential land uses and roadway developments may elect to pay a fee-in-lieu of providing water quality BMPS under the following conditions:
 - a. A Stormwater Management Permit is required under section 15-147 of this Ordinance, and
 - b. The development is not required to provide site runoff storage per Section 15-111.2, and
 - c. The Director or Administrator in a waiver community has determined that it is not practical to install water quality BMPS, and
 - d. Payment into a BMP fee-in-lieu program shall be made prior to the issuance of a Stormwater Management Permit.
3. Development in a non-waiver community or in a waiver community that has not adopted a BMP fee-in-lieu program shall participate in the County's program where:
 - a. BMP fee-in-lieu payment shall be made to the County and is determined by applying the criteria as follows:
 - (1) The adopted fee schedule, attached to this ordinance as Schedule B and by this reference incorporated into this ordinance, that identifies reasonable and rational cost to construct and maintain similar BMPS for those areas of the development that remain without effective water quality treatment.
 - b. Funds collected shall be accounted for in watershed planning area accounts. Funds shall be used in the same watershed planning areas as collected solely to design, construct, and maintain water quality improvements. Funds may not be used to fulfill obligations required by the Ordinance.
 - c. The County Board shall provide accounting on an annual basis of all funds deposited in each watershed planning account and shall account for each fund on a first-in, first-out basis.

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- d. The Committee may prioritize and allocate funds on an annual basis within each watershed planning area account. Communities may make a request to the Committee by June 30th of each year for funds within the watershed planning accounts for uses as identified in Section 15-116.3.b.
 - e. All BMP fee-in-lieu payments are refunded to the person who paid the fee, or to that person's successor in interest, whenever the County fails to encumber the fees collected within ten (10) years of the date on which such fees are collected.
 - f. Refunds are made provided that the person who paid the fee, or that person's successor in interest, files a petition with the County within one year from the date on which such fees are required to be encumbered.
4. Development in a waiver community shall participate in the waiver community's BMP fee-in-lieu program where the corporate authority has adopted a program that is consistent with Section 15-116. The waiver community may adopt its own fee schedule and designate off-site facilities. Funds may be used in the same community or watershed planning area as collected. All accounting records shall be made available to the Committee upon request.

Sec. 15-117. Erosion and Sediment Control Requirements.

1. Erosion and sediment control features shall be considered as part of any development's initial site planning process. The developer's engineer should consider the following factors in the overall site design:
 - a. The susceptibility of the existing soils to erosion.
 - b. The natural contours of the land.
 - c. Existing native and mature vegetation.
 - d. Existing natural or established drainageways.
 - e. Emphasize erosion controls first then address sediment control.
2. All developments, whether a permit is required or not, shall incorporate stormwater management measures that control and manage runoff from such developments, as provided in this section. Temporary erosion and sediment control measures shall be functional and consistent with the information and requirements of this entire section before land is otherwise disturbed on the site. These measures shall be maintained during both the construction season and any construction shutdown periods until permanent erosion and sediment control measures are operational.
3. Soil erosion and sediment control measures shall be appropriate with regard to the amount of tributary drainage area as follows:

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- a. Disturbed areas draining less than 1 acre shall, at a minimum, be protected by a filter barrier or equivalent to control all runoff leaving the site. The use of straw bales for this purpose is prohibited.
 - b. Disturbed areas draining more than 1 but fewer than 5 acres shall, at a minimum, be protected by a sediment trap or equivalent control measure.
 - c. Disturbed areas draining more than 5 acres shall, at a minimum, be protected by a sediment basin or equivalent control measure.
4. Pumping sediment-laden water into any stormwater facility either directly or indirectly without filtration is prohibited. Water removed from traps, basins and other water holding depressions or excavations must first pass through a sediment control and/or filtration device. When dewatering devices are used, discharge locations shall be protected from erosion.
 5. All discharges to an undisturbed area, stabilized area or watercourse shall be designed at a non-erosive velocity corresponding to the soil and vegetative cover of the undisturbed area.
 6. All temporary and permanent 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 25-year frequency storm without erosion assuming the worst soil cover conditions to prevail in the contributing drainage area over the life of the structure. All materials specified shall be able to withstand these expected flow velocities without damage or soil erosion. Modifications to existing stormwater facilities shall be stabilized within 48 hours.
 7. All storm drain inlets shall be protected by an appropriate sediment control measure when the area tributary to an inlet is disturbed.
 8. Silt fences can be used to intercept sheet flow only. Unreinforced silt fences cannot be used as velocity checks in ditches or swales nor can they be used where they will intercept concentrated flows.
 9. Reinforced silt fences (normal silt fence reinforced with woven wire fencing) can be used to intercept sediment-laden water from disturbed areas less than 1 acre. Its purpose is to reduce the runoff velocity thereby allowing the deposition of transported sediment to occur.
 10. All Special Management Areas and waters of DuPage shall, at a minimum, have a dual silt fence barrier of protection. Additional soil erosion and sediment control measures may be required to adequately protect these sites.
 11. All trenches, holes or other excavations required for utility installation should be back-filled, and stabilized at the end of each working day. No excavation should be opened more than what can be stabilized by the end of the same day. If an excavation must be left unstabilized or opened overnight, soil erosion and safety protection measures shall be installed.

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12. The surface of stripped or disturbed areas shall be permanently or temporarily stabilized within 14 days after final grade is reached or when left idle for more than 14 days. Temporary erosion and sediment control measures shall be maintained continuously until permanent soil erosion control measures have been adequately established.
13. Stockpiles of soil or any other building materials shall not be located in Special Management Areas.
14. If a stockpile is to remain in place for more than three days, then erosion and sediment control shall be provided for such stockpile.
15. All waste generated as a result of site development (including discarded building materials, concrete truck washout, chemicals, litter, sanitary waste or any other waste shall be properly disposed of and be prevented from being carried off the site by either wind or water.
16. Graveled roads, access drives, parking areas of sufficient width and length, and vehicle wash down facilities if necessary, shall be provided to prevent soil from being tracked or deposited onto public or private roadways. Any soil reaching a public or private roadway shall be removed immediately or as warranted and transported to a controlled sediment disposal area.
17. All temporary erosion and sediment control measures shall be removed within 30-days after final stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from temporary measures shall be properly disposed of and the area permanently stabilized.
18. Design criteria, standards and specifications for erosion and sediment control shall be taken from one of the following sources:
 - a. Technical Guidance for the DuPage Countywide Stormwater and Flood Plain Ordinance (Appendix E), as amended
 - b. IEPA/NRCS "Illinois Urban Manual", as amended
 - c. Other design criteria, standards and specifications, provided prior written approval is received from the Director or Administrator.
 - d. In the event of a conflict between the provisions of the above sources, this Ordinance and the Technical Guidance shall apply.
19. Erosion and sediment control measures utilized in complying with the requirements of Section 15-117 of this Ordinance that have a design frequency assigned, such as in the references noted in Section 15-117.18, shall have its design frequency increased to a design storm event equal to or greater than a 25-year 24-hour rainfall event.

Sec. 15-118. Reserved for Special Requirements in the Salt Creek Watershed.

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Sec. 15-119. Reserved for Special Requirements in the East Branch DuPage River Watershed.

Sec. 15-120. Reserved for Special Requirements in the West Branch DuPage River Watershed.

Sec. 15-121. Reserved for Special Requirements in the Sawmill Creek Watershed.

Sec. 15-122. Reserved for Special Requirements in the Des Plaines River Tributaries Watershed.

Sec. 15-123. Reserved for Special Requirements in the Fox River Tributaries Watershed.

Sec. 15-124. through 15-130. Reserved.

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ARTICLE 10. SPECIAL MANAGEMENT AREAS.

Sec. 15-131. Special Management Areas.

1. Special management areas include regulatory flood plains, wetlands, wetland buffers, and riparian environments. Requirements for determining regulatory flood plains are specified in Section 15-132 of this Ordinance. Requirements for delineating wetlands are specified in Section 15-134 of this Ordinance. Requirements for determining riparian environments are specified in Section 15-137 of this Ordinance.
2. Any development in the regulatory flood plain shall comply with the requirements of Section 15-133 of this Ordinance in addition to the requirements of Article 9 of this Ordinance.
3. Any development in wetlands shall comply with the requirements of Section 15-135 of this Ordinance in addition to the requirements of Article 9 of this Ordinance.
4. All developers shall submit the documents specified in Article 11 of this Ordinance to verify compliance with the requirements of this Ordinance or the applicable waiver community ordinance.
5. All developers shall grant the Director or the Administrator consent to record against the title of the property an informational note stating that a permit to build in a special management area has been granted. The informational note shall be printed on the face of the plat or other recorded document or shall be separately recorded if the project is a single lot development.

Sec. 15-132. Requirements for Regulatory Flood Plain and Regulatory Determination.

1. Any developer proposing development shall identify the boundaries and elevation of the regulatory flood plain and the boundaries of the regulatory floodway.
2. The regulatory flood plain shall be determined by the highest base flood elevation for a development site at the time of application as determined by:
 - a. Flood plain studies in the Watershed Plans.
 - b. Flood plain studies prepared as part of Interim Watershed Plans.
 - c. OWR studies adopted as State Regulatory Maps listed in Exhibit 2.
 - d. Flood Insurance Studies, Flood Insurance Rate Maps, and Flood Boundary and Floodway Maps published by FEMA listed in Exhibit 2.
 - e. Project specific flood plain studies that meet the standards established in the Plan and approved by the Director.

3. The Director, or the Administrator in a complete waiver community, may require the applicant to perform a project specific flood plain study when no other regulatory flood plain has been established as provided in Subsection 15-132.2 of this Ordinance. If the drainage area is one square mile or greater, the study shall also require approval from OWR or their designee.
4. Any development located within the regulatory flood plain as listed in Exhibit 2 may require approval from OWR or its designee or FEMA or both. Exhibit 2 includes approved OWR and FEMA studies and maps used for insurance and flood plain management purposes.
5. The regulatory floodway shall be designated by OWR or its designee and is shown on maps listed in Exhibit 2. If a floodway is not designated on the maps in Exhibit 2, then the regulatory floodway shall be deemed to be the regulatory flood plain.
6. The regulatory floodway may be redesignated by a project specific flood plain study and shall require approval from the Department and OWR or its designee, and a CLOMR or LOMR from FEMA.

Sec. 15-133. Requirements for Development within the Regulatory Flood Plain.

1. Development shall preserve effective floodway conveyance such that there will be no increases in flood elevations, flows, or floodway velocity, unless any such increases are contained in a public flood easement and a watershed benefit is provided.
2. Structures that are floodproofed shall:
 - a. Be anchored (including manufactured homes) to prevent flotation, collapse, or lateral movement of the structure.
 - b. Use flood resistant materials below the base flood elevation.
 - c. Use construction methods and practices that do not increase the potential for increases in flood damage.
 - d. Locate electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities at least one foot above the base flood elevation.
 - e. Provide adequate drainage.
3. Temporary or permanent storage of the following are prohibited unless elevated or floodproofed to one foot above the base flood elevation:
 - a. Items susceptible to flood damage; or
 - b. Unsecured buoyant materials or materials that may cause off-site damage including bulky materials, flammable liquids, chemicals, explosives, pollutants, or other hazardous materials; or

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- c. Landscape wastes.
4. All usable space in new buildings, added to existing buildings, or in existing buildings in the flood plain undergoing substantial improvement shall be elevated to at least one foot above the base flood elevation.
 5. In areas outside the regulatory floodway but within the flood plain, maximum flow depths on new parking lots shall not exceed one foot during the base flood condition and shall be designed for protection against physical flood damages. Flood hazard in parking areas below the base flood elevation shall be clearly posted.
 6. New structures other than buildings shall either be elevated to at least one foot above the base flood elevation or designed for protection against physical flood damages. Floodproofing devices shall be operational without human intervention. If electricity is required for protection against flood damage, then there must be a backup power source that will activate without human intervention. The floodproofing shall be certified by a professional engineer.
 7. New or expansion of existing manufactured home parks or subdivisions and placement of manufactured homes not in existing manufactured home parks or subdivisions shall require that:
 - a. All stands or pads shall be elevated to or above the base flood elevation; and
 - b. Adequate access and drainage shall be provided; and
 - c. If pilings are used for elevation, applicable design and construction standards for pilings shall be met; and
 - d. Anchoring shall be accomplished in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870 to resist flotation, collapse, and lateral movement.
 8. Parked recreational vehicles shall be required to meet the elevation and anchoring requirements of Section 15-133.7 unless:
 - a. They are on site for fewer than 180 consecutive days; and,
 - b. They are fully licensed and ready for highway use. A recreation vehicle is ready for highway use if it is on its wheels and/or jacking system, is attached to the site only by quick disconnect type utility and service devices, and has no permanently attached additions.
 9. Existing structures shall not be enlarged, replaced, or structurally altered unless the changes meet the requirements for development. If the changes constitute substantial improvement to a building in the flood plain, then the entire building shall meet the requirements for development.
 10. Existing structures may be floodproofed. Floodproofing shall meet the requirements listed in Section 15-133(2) for development in the flood plain and be operational without human intervention. If

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electricity is required, then there must be a backup power source that will activate without human intervention. The floodproofing shall be certified by a professional engineer.

11. Any placement of fill, structures, or other materials above grade in the flood plain shall require compensatory storage equal to at least 1.5 times the volume of flood plain storage displaced and shall be provided at the same incremental flood frequency elevation as the flood storage displaced. Compensatory storage shall be operational prior to placement of fill, structures, or other materials in the regulatory flood plain. Grading in Special Management Areas shall be done in such a manner that the existing flood plain storage is maintained at all times. Compensatory storage is not required for flood protection of existing buildings for flood plain volume displaced by the building and within the area of 10 feet adjacent to the building.
12. A copy of an application for a CLOMR, CLOMA, LOMA, or LOMR including all the required information, calculations, and documents shall be submitted to the Department concurrent with the application to FEMA or OWR or its designee.
13. No filling, grading, dredging, or excavating which changes the base flood elevation, base flood flow rate or the floodway boundary shall take place until a CLOMR is issued by FEMA.
14. If a LOMR is required by FEMA, no building construction shall take place until the LOMR is received.
15. Any fill required to elevate a building must extend at least 10 feet beyond the foundation before the grade slopes below the highest base flood elevation.
16. When a structure is elevated by some means other than filling in the regulatory flood plain:
 - a. The useable space of any building, the bottom of the lowest structural member of the first finished floor (lowest habitable floor), and all electrical, heating, ventilating, plumbing, and air conditioning equipment shall be located at least one foot above the highest base flood elevation; and
 - b. Elevation can be accomplished using stilts, piles, walls, or other foundations. Areas below the lowest floor that are subject to flooding shall be designed so that hydrostatic forces on exterior walls are automatically equalized by allowing for the entry and exit of floodwaters and shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as currents, waves, ice, and floating debris. Designs for meeting this requirement shall be prepared, signed, and sealed by a structural engineer or architect and meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (2) The bottom of all openings shall be no higher than one foot above grade; and

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- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that such coverings and devices do not impede the automatic entry and exit of floodwaters; and
 - (4) The grade interior to the foundation of the structure shall not be more than 2 feet below the lowest adjacent exterior grade; and
 - (5) An adequate drainage system must be installed to remove floodwaters from the area interior to the structure foundation within a reasonable period of time after the floodwaters recede.
- c. All materials and structures less than one foot above the base flood elevation shall be resistant to flood damage.
17. Existing flood storage that is lost due to channel modification shall require compensatory storage.
 18. Any removal, replacement, or modification of stormwater facilities that has an existing hydraulic impact shall provide a watershed benefit and shall require compensatory storage to mitigate for any potential increases in flow or flood elevations. All structures and their associated low entry elevations within the created backwater of the existing stormwater facility shall be identified.
 19. The release rate from new or modified storm sewer outfalls shall meet the requirements of Section 15-114.2 of this Ordinance or demonstrate compliance with Section 15-112.
 20. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 21. Sanitary sewer systems and water distribution systems shall be designed to minimize or eliminate infiltration or inflow of flood waters and discharge of sewage.
 22. Hydrologic and hydraulic impacts of developments located in the regulatory floodway shall be evaluated using the applicable regulatory model and confirmed using Watershed Plan models, if available, or models meeting the Plan standards for watershed planning. The hydrologic and hydraulic impacts of development shall be evaluated using events representing the frequency range from 50 percent (2-yr) to one percent (100-yr) probability of being equalled or exceeded in a given year. The results of any such evaluation shall be submitted to the Department.
 23. Any proposed development in the regulatory floodway shall evaluate the hydrologic and hydraulic impacts for existing and any future planned watershed conditions.
 24. In the regulatory floodway portion of the regulatory flood plain, all of the requirements of this Section 15-133 shall apply to any proposed development, and only the following appropriate uses shall be considered for permits:
 - a. Bridges, culverts, and associated roadways, sidewalks, and railways, necessary for crossing over the floodway or for providing access to other appropriate uses in the floodway and any modification thereto; and

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- b. At or below grade trail systems; and
 - c. Regulatory floodway regrading, without fill, to create a positive slope toward a watercourse; and
 - d. Floodproofing activities to protect existing structures; and
 - e. Stormwater facilities relating to the control of drainage or flooding; and
 - f. Above-ground and below-ground utilities and sanitary and storm sewer outfalls; and
 - g. The storage and conveyance of floodwaters; and
 - h. Erosion control structures and water quality and habitat structures; and
 - i. Recreational boating and commercial shipping facilities.
25. Transition sections within the regulatory floodway are required for the calculation of effective conveyance including the modification and the replacement of existing bridge and culvert structures, or to compensate for lost conveyance for other appropriate uses. The following ratios shall be used to calculate transition sections:
- a. Water will expand no faster than one foot horizontal for every four feet of flooded stream length.
 - b. Water will contract no faster than one foot horizontal for every one foot of flooded stream length.
 - c. Water will not expand or contract faster than one foot vertical for every 10 feet of flooded stream length.

Sec. 15-134. Requirements for Wetland Delineation.

1. Any developer proposing development in or near mapped wetland areas shall identify the boundaries, extent, function and value, and quality of all wetland areas on the subject property. The presence and extent of wetland areas on the subject property shall be determined as the result of an on-site wetland procedure. This procedure shall be conducted in accordance with the current Federal wetland delineation methodology authorized under Section 404 of the Clean Water Act. A written wetland delineation/evaluation report shall be prepared in compliance with all methodologies and definitions set forth in this Ordinance or the applicable waiver community ordinance.
2. The approximate location, extent, and relative quality of off-site wetlands contiguous to the development shall be identified. The location and extent of contiguous off-site wetlands shall be determined by using the first of the following documents or procedures pertaining at the time of development:
 - a. Site specific delineation according to the procedures specified in the Plan and the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. If such delineation is not available, use Paragraph (b) below.

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- b. Wetlands identified in Watershed Plans. If such plans are not available, use Paragraph (c) below.
 - c. Wetlands identified in Interim Watershed Plans. If such plans are not available, use Paragraph (d) below.
 - d. Wetlands identified in the Soil Conservation Service Wetlands Inventory Maps.
3. Wetlands shall be classified as either critical or regulatory wetlands based on the assessment of the following functions and values. Critical wetlands, because of their sizes, configurations, vegetation, soils, or other characteristics, play crucial roles in storing or conveying flood waters, controlling erosion, maintaining or enhancing water quality, and providing habitat for threatened or endangered species. Critical wetland status shall be assigned to those wetlands that have been determined to satisfy one or more of the following:
- a. The wetland is identified as a critical wetland in the County's wetland inventory; or
 - b. The wetland is known to possess a Federal or State listed threatened or endangered species based on the consultation with the Illinois Department of Natural Resources.
 - c. The plant community within the wetland is determined to have a native floristic quality index of 20 or higher during a single season assessment, a native mean C-value of 3.5 or greater, or alternatively a natural area rating index (NARI) value of 35.0 or higher during a spring, summer, and fall assessment, as calculated by the Swink & Wilhelm methodology. If both methods are performed, the NARI value shall prevail as the determining value; or
 - d. The initial wildlife quality value using the Modified Michigan Department of Natural Resources Method is 5.0 or higher, or alternatively the mean rated wildlife quality (MWRQ) is determined to be 8.0 or higher, as calculated by the Ludwig Wildlife Habitat Evaluation Methodology. If both methods are performed, the Ludwig value shall prevail as the determining value.
4. All other wetlands not meeting one or more of the critical wetland criteria shall be assigned a regulatory wetland status. The final determination of wetland status shall be made by the Director, or the Administrator in a complete waiver community, based upon a review of submitted information and when necessary, upon consultation with outside wetland authorities.

Sec. 15-135. Requirements for Development Affecting the Function and Values of Wetlands.

- 1. Development within or affecting critical wetlands shall be prohibited, unless documentation is submitted that conclusively proves that the presence of critical wetlands precludes all economic use of the entire parcel, and that no practicable alternative to wetland modification exists. Based upon a review of the submitted documentation, and any other available resources, the Director, or the Administrator in a complete waiver community, will make a determination as to whether the proposed critical wetland modification represents the least amount of wetland impact required to restore an economic use to the upland portion of the parcel, and whether a permit should be granted.

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2. Development within or affecting a regulatory wetland that includes contiguous waters of DuPage less than 0.10 acre does not require documentation showing that no practicable alternatives to wetland modification exists, and is allowable pursuant to Sections 15-135.5 and 15-136. Based upon a review of the submitted documentation, and other available resources, the Director, or the Administrator in a complete waiver community, will make a determination as to whether the proposed wetland modifications will be permitted.
3. Development within or affecting a regulatory wetland that is equal to or greater than 0.10 acre shall be prohibited unless documentation is submitted that conclusively proves that no practicable alternative to wetland modification exists. Based upon a review of the submitted documentation, and other available resources, the Director, or the Administrator in a complete waiver community, will make a determination as to whether the proposed wetland modifications will be permitted.
4. Development of a regulatory wetland that is equal to or greater than 0.10 acre, or a critical wetland, will be permitted only when the proposed direct and indirect environmental impacts to on-site wetlands, and indirect environmental impacts to off-site wetlands, can be sufficiently evaluated, minimized, and mitigated, as specified in this Section 15-135.
5. Mitigation for developments within or affecting a wetland shall provide for the replacement of the wetland environment lost to development at a minimum proportional rate of three to one (3:1) for critical wetlands where critical for wetland environments as defined in sections 15-134.3.b,c, & d, and one and one half to one (1.5:1.0) for regulatory wetlands. The mitigated wetlands shall be designed to duplicate or improve the hydrologic, biologic, and economic features of the original wetland. The Director, or the Administrator in a complete waiver community, may require a greater compensation ratio where special wetland functions are threatened.
6. Mitigation for storage lost within wetlands shall be provided in accordance with Section 15-112 and Subsection 15-114.5 of this Ordinance.
7. Mitigation for development impacts within or affecting a critical or regulatory wetland shall take place in the same watershed planning area as the affected wetland. For the purpose of Section 15-135 and Section 15-136, the four watershed planning areas are defined by the Salt Creek and Des Plaines River Tributaries Watersheds, West Branch DuPage River and Fox River Watersheds, the East Branch DuPage River Watershed, and the Sawmill Creek Watershed, as shown on Exhibit 1.
8. Creation of wetlands for the mitigation of development impacts within or affecting a critical or regulatory wetland may take place only within areas not currently comprised of wetlands.
9. Mitigation of impacts within or affecting critical and regulatory wetlands shall include design, construction, and continued maintenance of the mitigation measures. See Section 15-197 of this Ordinance.
10. The Director, or the Administrator in a complete waiver community, at his or her discretion may allow an existing wetland contiguous to a proposed regulatory wetland mitigation site to be enhanced in exchange for a partial reduction in the mitigation area required. In no case shall there be a loss of wetland function and value. The area of creation of new wetland to compensate for unavoidable wetland loss shall not be allowed to fall below a one to one ratio.

11. Development in or affecting a wetland environment shall be initiated only after a mitigation plan has been approved and adequate securities are provided as specified in Article 13 of this Ordinance.
12. The designs and analyses of all wetland mitigation measures shall meet the standards of the Plan and shall comply with all applicable Federal, State, and local regulations regarding wetland impact and mitigation.
13. The Director, or the Administrator in a complete waiver community, shall require that the developer or owner provide the County or the waiver community with periodic monitoring reports on the status of the constructed mitigation measures, and further may require the developer or owner to undertake remedial action to bring the area into compliance with the mitigation plan.
14. Mitigation for development within or affecting a wetland begun prior to issuance of a stormwater permit, or other unauthorized impact to a wetland, shall presume the wetland disturbed was a critical wetland requiring mitigation at a minimum rate of three to one (3:1).
15. To the extent practicable, development within a wetland buffer shall not, without mitigation:
 - a. Adversely change the quantity, quality, or temporal and aerial distribution of flows entering any adjacent wetlands or waters; nor
 - b. Destroy or damage vegetation that stabilizes wetland fringe areas or provides overland flow filtration to wetlands; nor
 - c. Adversely affect any ground water infiltration functions.

Sec. 15-136. Wetland Banking.

1. Where development affecting wetland meets the requirements of Section 15-135 and the long term preservation of existing wetland functions or characteristics is unlikely as a result of existing or proposed land use practices in adjacent upland areas, then the Director or the Administrator may provide that mitigation for development within or affecting wetlands be accomplished wholly or in part through investment in an established wetland banking project in lieu of constructing new wetlands.
2. Such wetland banking shall be allowed only if no long term net loss of wetlands results within each watershed planning area as defined in Section 15-135.5 and if the adverse impacts of development in regulatory or critical wetlands are fully mitigated.
3. Wetland banking for development impacts within a critical or regulatory wetland shall take place within an established wetland banking project approved by the Committee, or the Oversight Committee in a complete waiver community, and shall:
 - a. Include a wetland enhancement, restoration, and construction plan approved by the Committee and the County Board, or by the Oversight Committee and the corporate authorities in a waiver community; and

- b. Include a capital improvements plan containing an estimate of the total per acre cost of wetland mitigation, including operation and maintenance costs; and
 - c. Include a formula to determine that any investment in a wetland bank shall be at least equal to the cost of planning, acquiring of lands, constructing, operating, and maintaining mitigated wetlands of equivalent or greater functional value than those lost to development.
4. If development impacts to a wetland meets all the conditions for mitigation in a wetland banking project, a payment may be made into the wetland banking program and shall be determined by multiplying the acres of required mitigation times the first of the following applicable costs:
- a. The investment cost of the closest wetland banking project to the development that is in the watershed planning area that has the greatest wetland deficit, as defined in Section 15-136.4.c; or
 - b. The investment cost of the closest wetland banking project within the same watershed planning area as the proposed wetland impact; or
 - c. The investment cost of the closest wetland bank to the development that is outside the watershed planning area where the development is proposed. However, the area of mitigation available within a wetland banking project for mitigation from outside the watershed planning area shall not exceed 15% of the bank's total wetland area. This amount of wetland mitigation is considered a wetland deficit in the watershed planning area where the development occurs. The watershed planning area that receives the wetland mitigation shall pay back the wetland deficit in accordance with Section 15-136.4.a.
5. If development impacts to a wetland meet all the conditions for mitigation in the wetland banking program, wetland impacts are under the threshold requiring compensatory mitigation in accordance with current U.S. Army Corps of Engineers – Chicago District Regional Permit Program, and there is not a wetland banking project available per Section 15-136.4, a payment may be made to the County equal to \$175,000 per acre of required mitigation.
6. All funds deposited in the wetland banking program shall be maintained in accounts designated solely for a particular wetland banking project or in a wetland bank suspense account if collected under Section 15-136.5. At the option of the Director, or the Administrator in a full waiver community, funds may be transferred to the account of another wetland banking project in the same watershed planning area, or if one is not available, in an off-site mitigation area meeting the requirements in Section 15-135, if that particular wetland banking project is not constructed within 10 years after the date on which such funds were deposited. Upon approval of a wetland banking project within a watershed planning area for which payments have been deposited in accordance with Section 15-136.5, such payments shall be immediately transferred into that wetland banking project. Any portion of the payment paid in excess of the actual fee established for said wetland banking project shall be refunded to the then current property owner or his/her/its designee.
7. The County Board or the corporate authorities in a waiver community shall audit annually all funds deposited in wetland banking accounts and shall account for such funds on a first-in, first-out basis.

Sec. 15-137. Riparian Environments Requirements.

1. Riparian environments serve the following functions:
 - a. Reduces flood flow rates, velocities, and volumes.
 - b. Prevents erosion and promotes bank stability of streams, lakes, ponds, or wetland shorelines.
 - c. Controls sediment from upland areas thus reducing the impact of urbanization on stream habitat and water quality by filtering and assimilating nutrients discharged from surrounding uplands.
 - d. Insulates and moderates daily and seasonal stream temperature fluctuations by maintaining cooler instream temperatures for areas with overhanging vegetation.
 - e. Serves as important sites for denitrification, which reduces development of algal blooms and subsequent depressed levels of dissolved oxygen instream.
 - f. Provides an effective mechanism for treatment of contaminated surface runoff.
 - g. Provides habitat corridors for both aquatic and terrestrial fauna and flora.
 - h. Provides recreational and aesthetics values for human use.
2. Any developer proposing development in a riparian environment shall identify the boundaries by using the first of the following documents or procedures pertaining at the time of development:
 - a. Riparian environments identified in Watershed Plans. If such plans are not available, use Paragraph (b).
 - b. Riparian environments identified in Interim Watershed Plans. If such plans are not available, use Paragraph (c).
 - c. Vegetative areas along waterways within the limits of the regulatory flood plain.
3. Tree-cutting and vegetation removal shall be minimized within riparian environments, and revegetation of disturbed areas shall take place as soon as possible.
4. Development in a riparian environment shall be initiated only in accordance with the requirements of this Section 15-137 and the standards of the Plan and upon consultation with the Technical Guidance for the DuPage Countywide Stormwater and Flood Plain Ordinance for the Plan.
5. To the extent practicable, development in a riparian environment shall not, without mitigation:
 - a. Adversely change the quantity, quality, or temporal and aerial distribution of flows entering any adjacent wetlands or waters; nor

ARTICLE 10. SPECIAL MANAGEMENT AREAS.

Sec. 15-131. through 15-137.

- b. Destroy or damage vegetation that overhangs, stabilizes, provides overland flow filtration, or shades stream channels, wetlands, or impoundments that normally contain water; nor
 - c. Adversely affect any ground water infiltration functions.
6. The length of any mitigated channel shall be equal to or greater than the length of the disturbed channel.
 7. Mitigation in riparian environments shall be in accordance with the procedures specified in the Plan.
 8. Mitigation measures in riparian environments shall include required provisions for long-term maintenance.

Sec. 15-138. through Sec. 15-145. Reserved.

ARTICLE 11. STORMWATER MANAGEMENT PERMITS.

Sec. 15-146. General Requirements.

1. Any person proposing a development shall obtain a Stormwater Management Permit prior to development, as provided in Section 15-147 of this Ordinance.
2. All Stormwater Management Permit review fees shall be paid at the time of application. See Section 15-153 of this Ordinance.
3. All submittals that include the design of stormwater facilities, calculations for the determination of the regulatory flood plain, or calculations of the impacts of development shall meet the standards of the Plan and shall be prepared, signed, and sealed by a professional engineer. Such professional engineer shall provide an opinion that the technical submittal meets the criteria required by the Plan and this Ordinance or the applicable waiver community ordinance.
4. Any structure subject to a differential water pressure head of greater than three feet shall be prepared, signed, and sealed by a structural engineer.
5. The site topographic map, record drawings, and other required drawings shall be prepared, signed, and sealed by a land surveyor or professional engineer and tied to the DuPage County Survey Control Network (National Geodetic Vertical Datum, 1929 adjustment).
6. Any proposed development shall secure all appropriate stormwater management related approvals, including without limitation a OWR Dam Safety permit if required, and other appropriate federal, state, and regional approvals prior to the issuance of a Stormwater Management Permit.
7. All development undertaken by a unit of local government in the regulatory flood plain where no regulatory floodway has been designated shall obtain a permit from OWR or its designee prior to issuance of a Stormwater Management Permit.
8. Within the regulatory floodway, the following calculations or analyses shall be submitted to and approved by OWR or its designee prior to the issuance of a Stormwater Management Permit:
 - a. Flood damage analyses for the replacement or modification of existing bridges or culverts; and
 - b. Hydraulic analyses of new, modified, or replacement bridges or culverts; and
 - c. Analyses of alternative transition sections as required in Subsection 15-133.23 of this Ordinance; and
 - d. Analyses of hydrologically and hydraulically equivalent compensatory storage.
9. Any and all proposed development not in a Special Management Area shall be reviewed under the supervision of a professional engineer and; where applicable, an environmental scientist, meeting the requirements in Section 15-47.3.b.

10. Any and all proposed development within the regulatory flood plain shall be reviewed under the supervision of a professional engineer meeting the requirements in Section 15-47.3.a. and, in the case of floodway development, certified by that professional engineer that the proposed development meets the minimum requirements of this Ordinance.
11. Any and all proposed development in or near a wetland shall be reviewed under the supervision of an environmental scientist meeting the requirements in Section 15-47.3.a (3). and certified by that environmental scientist that the proposed development meets the minimum requirements of this Ordinance.

Sec. 15-147. Applicability; Required Submittals.

1. A Stormwater Management Permit shall be required if:
 - a. The development involves one or more Special Management Areas; or
 - b. The development involves a substantial improvement in the regulatory flood plain; or
 - c. The development disturbs more than 5,000 square feet of ground cover, unless the development solely involves one or more of the following:
 - (1) Cultivation, conservation measures, or gardening; or
 - (2) Installation, renovation, or replacement of a septic system, potable water service line, or other utility 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 or maintaining utilities; or
 - (4) Maintenance, repair, or at grade replacement of existing lawn areas not otherwise requiring a stormwater permit under Ordinance.
2. In addition to the application requirements provided in Sections 15-146 and 15-148 of this Ordinance, the following submittals shall be required:
 - a. The Stormwater Submittal provided in Section 15-149 of this Ordinance shall be required for all development requiring a stormwater permit.
 - b. The Flood Plain Submittal provided in Section 15-150 of this Ordinance shall be required for all development proposed within any regulatory flood plain designated in Section 15-132 of this Ordinance.
 - c. The Wetland Submittal provided in Section 15-151 of this Ordinance shall be required for any development proposed within a wetland designated in Section 15-134 of this Ordinance.

Sec. 15-148. Stormwater Management Permit Application.

The Stormwater Management Permit application shall include all of the following:

1. The name and legal address of the applicant and of the owner of the land; and
2. The common address and legal description of the site where the development will take place; and
3. A general narrative description of the development, including submittals required pursuant to Subsection 15-147.2 of this Ordinance; and
4. Affidavits signed by the land owner and the developer attesting to their understanding of the requirements of this Ordinance or the applicable waiver community ordinance and their intent to comply therewith; and
5. A statement of opinion by a qualified person either denying or acknowledging the presence of Special Management Areas on the development site, and the appropriate submittals if the statement acknowledges the presence of Special Management Areas; and
6. Copies of other permits or permit applications as required; and
7. A stormwater submittal; and
8. A flood plain submittal, if development is proposed in a flood plain; and
9. A wetland submittal, if development is proposed in a wetland; and
10. A riparian environment submittal, if development is proposed in a riparian environment; and
11. An engineer's estimate of probable construction cost of the stormwater facilities.

Sec. 15-149. Stormwater Submittal.

1. The stormwater submittal shall include:
 - a. A site stormwater plan; and
 - b. Site runoff calculations; and
 - c. Site runoff storage calculations if site runoff storage is required in Section 15-111.2; and
 - d. Information describing off-site conditions; and
 - e. A sediment and erosion control plan; and
 - f. Description on how Best Management Practices are incorporated in the development.

2. The site stormwater plan shall include:

- a. A site topographic map depicting both existing and proposed contours of the entire site to be disturbed during development and all areas 100 feet beyond the site or as required by the Director or the Administrator at a scale of at least one inch equals 100 feet or less (e.g., one inch to 50 feet), with a minimum contour interval of one foot with accuracy equal to 0.5 foot of elevation; and
- b. A plan view drawing of all existing and proposed stormwater facilities features, at the same scale as the site topographic map, including all of the following:
 - (1) Boundaries for watersheds tributary to all significant stormwater facilities (i.e., channels, bridges, inlets, and the like), along with the location of such facilities; and
 - (2) Major and minor stormwater systems (i.e., storm water pipes, culverts, inlets, and storage and infiltration facilities, and flooding limits under base flood conditions for the major stormwater system); and
 - (3) Roadways, structures, parking lots, driveways, sidewalks, and other impervious surfaces; and
 - (4) The nearest base flood elevations; and
 - (5) A planting plan for all vegetated areas which shall include:
 - (a) Planting locations, specifications, methodology; and
 - (b) A schedule for installation; and
 - (c) Management, monitoring, and maintenance provisions; and
 - (d) Performance standards; and
 - (e) An opinion of probable cost
- c. Design details for all proposed stormwater facilities (i.e., major and minor stormwater systems, storage basins, and outlet works, and the like); and
- d. A scheduled maintenance program for the stormwater facilities, including:
 - (1) Planned maintenance tasks; and
 - (2) Identification of the person or persons responsible for performing the maintenance tasks as required by Section 15-180 of this Ordinance; and
 - (3) A description of the permanent public access maintenance easements granted or dedicated to, and accepted by, a governmental entity; and

- e. A schedule of implementation of the site stormwater plan; and
 - f. Upon completion of development, record drawings of the site stormwater plan shall be submitted to the Director or the Administrator. Such drawings shall be prepared, signed, and sealed by a land surveyor or professional engineer and shall include calculations showing the "as-built" volume of compensatory and site-runoff storage.
3. The site runoff calculations shall include:
- a. Profile drawings of the major and minor stormwater systems, including cross section data for open channels, showing the hydraulic grade line and water surface elevation under the design and base flood condition; and
 - b. Documentation identifying the procedures, assumptions, and data used to calculate hydrologic and hydraulic conditions for sizing both major and minor stormwater systems.
4. The site runoff storage calculations shall include:
- a. Documentation identifying the procedures, assumptions, and data used to calculate hydrologic and hydraulic conditions and to determine the allowable release rate and related storage volume; and
 - b. Elevation-area-storage and elevation-discharge data for storage systems.
5. Information describing the off-site conditions shall include sufficient information to allow evaluation of off-site impacts to and resulting from the proposed development. Such information shall include:
- a. A vicinity topographic map covering the entire upstream watershed that drains to or through the site and the entire watershed downstream to the point of known or assumed discharge and water surface elevation; and
 - b. A plan view drawing of existing and proposed stormwater facilities, at the same scale as the vicinity topographic map, including:
 - (1) Watershed boundaries for areas draining through or from the development; and
 - (2) The location of the development within the watershed planning area; and
 - (3) Soil types, vegetation, and land cover conditions affecting runoff upstream of the development site for any area draining through or to the site.
6. The erosion and sediment control plan shall conform to the requirements of Section 15-117 of this Ordinance. The erosion and sediment control plan shall include:
- a. A plan and schedule for construction, including site clearing and grading, construction waste disposal and stockpile locations, placement and maintenance of all soil stabilization controls, and sediment trapping facilities; and

- b. A description of the development, including existing site land cover and hydrologic conditions, adjacent areas, soil types including a soils report and/or survey, permanent and temporary erosion and sediment control measures, and maintenance requirements; and
 - c. All data and calculations used to size, locate, design and maintain any soil erosion and sediment control measures.
 - d. Plan view drawings of existing and proposed site conditions, at the same scale as the site stormwater plan, including:
 - (1) Existing contours with drainage patterns and watershed boundaries; and
 - (2) Soil types, vegetation, and land cover conditions; and
 - (3) Limits of clearing and grading; and
 - (4) Final contours with locations of drainageways and erosion and sediment control measures with the drainage area tributary to each sediment control measure delineated on the drawings; and
 - (5) A sediment control quantity table including: total project area, total disturbed area, total existing and proposed impervious area, and total number of units for each sediment control measure.
 - e. Design details for proposed erosion and sediment control facilities; and
 - f. A copy of the written opinion, when applicable, of the Soil and Water Conservation District required under 70 ILCS 405/22.02 (1992); and
 - g. Evidence that the sediment and erosion control installation and maintenance requirements, including both a list of maintenance tasks and a performance schedule, are identified and required in the plans and specifications.
7. Information describing how Best Management Practices are incorporated into the site design. Such information shall include:
- a. A description of Best Management Practices that are incorporated into the site design and how they will function. Include applicable design criteria such as soil type, vegetation, and land cover conditions draining to the Best Management Practice along with appropriate calculations; and
 - b. A description of the maintenance requirements.

Sec. 15-150. Flood Plain Submittal.

The flood plain submittal shall include:

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1. A delineation of the pre-development and post-development regulatory flood plain and regulatory floodway consistent with the requirements of Section 15-132 of this Ordinance; and
2. Calculations necessary for meeting the requirements of Sections 15-132 and 15-133 of this Ordinance; and
3. Topographic survey drawings of all structures located on or near the site, showing all structures including the lowest floor, point of entry, and floodproofing elevations. This survey shall be prepared, signed, and sealed by a land surveyor or professional engineer.

Sec. 15-151. Wetland Submittal.

1. The wetland submittal for a regulatory wetland that includes contiguous waters of DuPage less than 0.10 acre shall include:
 - a. A delineation of the wetlands consistent with the requirements for wetland delineation provided in Sections 15-134.1, 15-134.2, and 15-134.3 (a), (b), and (c) of this Ordinance; and
 - b. A completed joint application form (NCR Form 426, Protecting Illinois Waters) signed by the applicant or agent. If the agent signs, notification shall include a signed, written statement from the applicant designating the agent as its representative, or a Corps of Engineers jurisdictional determination letter; and
 - c. A wetland banking statement in accordance with Sections 15-135.5 and 15-136 of this Ordinance.
2. The wetland submittal for a critical wetland, or a regulatory wetland greater than 0.10 acre shall include:
 - a. A delineation of the wetlands consistent with the requirements for wetland delineation provided in Section 15-134 of this Ordinance; and
 - b. A characterization of the wetlands as either critical or regulatory; and
 - c. A mitigation plan meeting the requirements of Section 15-135 of this Ordinance, if mitigation is required; and
 - d. A plan for the continued management, operation, and maintenance of the mitigation measures, including the designation of the person or persons responsible for long term operation and maintenance and dedicated funding sources, if mitigation is required.
 - e. A completed joint application form (NCR Form 426, Protecting Illinois Waters) signed by the applicant or agent. If the agent signs, notification shall include a signed, written statement from the applicant designating the agent as its representative, or a Corps of Engineers jurisdictional determination letter.

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Sec. 15-152. Riparian Environment Submittal.

The riparian environment submittal shall include:

1. An inventory of the functions of the riparian environments consistent with the requirements for riparian environments delineation provided in Subsection 15-137.2 of this Ordinance; and
2. A mitigation plan meeting the requirements of Section 15-137 of this Ordinance; and
3. A plan for continued management, operation, and maintenance of the mitigation measures, including designation of the person or persons responsible for long term operational management and dedicated funding sources.

Sec. 15-153. Permit Fees.

1. A review and inspection fee schedule for Stormwater Management Permits in non-waiver communities, and in Special Management Areas for partial waiver communities, is attached to this Ordinance as Schedule A and by this reference incorporated into this Ordinance.
2. All permit review and inspection fees for development in non-waiver communities, and in Special Management Areas in partial waiver communities, shall be payable to the Department.
3. Waiver communities may set permit review and inspection fees for developments within their jurisdictions.

Sec. 15-154. Duration and Revision to Permits.

1. Permits expire December 31 of the third year following the date of permit issuance.
2. If the permitted activity has been started but is not completed by the expiration date of the permit, and the permittee intends to pursue the permitted activity, then the permittee may submit a written request that the expiration date be extended. Upon receipt of such request, the Director or the Administrator may extend the expiration date in maximum increments of three years for permitted activities outside Special Management Areas. Expiration dates for permitted activities in Special Management Areas may be extended in maximum three year increments provided the activity is in compliance with the then current requirements of this Ordinance or the applicable waiver community ordinance.
3. If, after permit issuance, the permittee decides to revise the approved plans, the permittee shall submit revised plans to the Director or the Administrator, along with a written request for approval. If the Director or the Administrator determines that the revised plans are in compliance with the then current requirements of this Ordinance or the applicable waiver community ordinance, an approval of the revised plans will be issued.

Sec. 15-155. through 15-165. Reserved.

ARTICLE 12. PROHIBITED ACTS.

Sec. 15-166. Prohibited Acts.

1. It shall be unlawful for any person to undertake any development within the County or a waiver community without first securing a Stormwater Management Permit as required by this Ordinance or the applicable waiver community ordinance.
2. It shall be unlawful for any person to violate, disobey, omit, neglect, or refuse to comply with, or to resist enforcement of, any provision of this Ordinance or the applicable waiver community ordinance or any condition of a Stormwater Management Permit required by this Ordinance or the waiver community ordinance.

Sec. 15-167. Prosecution of Violations.

Upon finding the existence of any violation of this Ordinance or a waiver community ordinance, the Director or the Administrator shall have the authority and duty to take or direct all actions necessary or appropriate to abate and redress such violation. The Director or the Administrator shall also initiate proceedings, as necessary, to enforce this Ordinance or the waiver community ordinance.

Sec. 15-168. through 15-175. Reserved.

ARTICLE 13. PERFORMANCE SECURITY.

Sec. 15-176. General Security Requirements.

1. As security to the County or the waiver community for the performance by the developer of the developer's obligations to complete the construction of any stormwater facilities required by the Stormwater Management Permit, to pay all costs, fees, and charges due from the developer pursuant to this Ordinance or the applicable waiver community ordinance, and to otherwise faithfully perform the developer's undertakings pursuant to this Ordinance or the applicable waiver community ordinance, the developer shall, prior to issuance of a Stormwater Management Permit:
 - a. Post a development security as provided in Section 15-177 of this Ordinance; and
 - b. Post an erosion and sediment control security as provided in Section 15-178 of this Ordinance, if a erosion and sediment control plan is required pursuant to Section 15-149 of this Ordinance.
2. The developer shall bear the full cost of securing and maintaining the securities required by this Section 15-176.

Sec. 15-177. Development Security.

1. A development security shall be posted and shall include:
 - a. A schedule, agreed upon by the developer and the Director or the Administrator, for the completion of the construction of any stormwater facilities required by the permit; and
 - b. An irrevocable letter of credit, or such other adequate security as the Director or the Administrator may approve, in an amount equal to not less than one hundred ten percent (110%) of the estimated probable cost to complete the construction of any stormwater facilities required by the Stormwater Management Permit, which estimated probable cost shall be approved by the Director or the Administrator; and
 - c. A statement signed by the applicant granting the Director or the Administrator the right to draw on the security and the right to enter the development site to complete required work in the event that work is not completed according to the work schedule; and
 - d. A statement signed by the applicant that the applicant shall indemnify the community and the Department for any additional costs incurred attributable to concurrent activities of or conflicts between the applicant's contractor and the community's or Department's remedial contractor at the site.
2. The security required by this Section 15-177 shall be maintained and renewed by the applicant, and shall be held in escrow by the Director or the Administrator until the conditions set forth in this Section 15-177 or other applicable provision are satisfied.

3. At a minimum, the security required for this Section 15-177, in an amount equal to not less than one hundred ten percent (110%) of the estimated probable cost to plant, maintain and monitor all vegetated areas as required by the permit, may be held until all conditions or other applicable provisions are satisfied. The vegetated areas security may be reduced at the discretion of the Director or Administrator as conditions are met, but must not be less than one hundred ten (110%) of the estimated probable cost to continue to meet all conditions or other applicable provisions.
4. After approval of record drawings and final inspection by the Director or the Administrator, not more than ninety percent (90%) of the security provided for in this Section 15-177 or other applicable provision may be released. A minimum of ten percent (10%) of the security shall be retained for a period of time not less than one (1) year after completion of construction:

Sec. 15-178. Erosion and Sediment Control Security.

1. If an erosion and sediment control plan is required pursuant to Section 15-149 of this Ordinance, then an erosion and sediment control security shall be required. Such a security shall include:
 - a. An irrevocable letter of credit, or such other adequate security as the Director or the Administrator shall approve, in an amount equal to not less than one hundred ten percent (110%) of the estimated probable cost to install and maintain the erosion and sediment control measures, which estimated probable cost shall be approved by the Director or the Administrator; and
 - b. A statement signed by the applicant granting the Director or the Administrator, as applicable, the right to draw on the security and the right to enter the development site to complete erosion and sediment control measures in the event that such measures are not installed and maintained according to the established schedule.
2. The security required by this Section 15-178 shall be maintained and renewed by the applicant, and shall be held in escrow by the Director or the Administrator, as applicable, until the conditions set forth in this Section 15-178 are satisfied.
3. After establishment of vegetation, removal of all sediment from stormwater facilities, and final inspection and approval by the Director or the Administrator, as applicable, one hundred percent (100%) of the erosion and sediment control security shall be released.

Sec. 15-179. Letters of Credit.

1. Letters of credit posted pursuant to Sections 15-176, 15-177, and 15-178 of this Ordinance shall be in a form satisfactory to the Director or the Administrator, as applicable.
2. Each letter of credit shall be from a lending institution: (a) acceptable to the Director or the Administrator, as applicable, (b) having capital resources of at least ten million dollars (\$10,000,000), or such other amount acceptable to the Director or the Administrator; (c) with an office in the Chicago Metropolitan Area; and, (d) insured by the Federal Deposit Insurance Corporation.

3. Each letter of credit shall, at a minimum, provide that:
 - a. It shall not be canceled without the prior written consent of the Director or the Administrator; and
 - b. It shall not require the consent of the developer prior to any draw on it by the Director or the Administrator; and
 - c. If at any time it will expire within 45 or any lesser number of days, and if it has not been renewed, and if any applicable obligation of the developer for which its security remains uncompleted or is unsatisfactory, then the Director or the Administrator may, without notice and without being required to take any further action of any nature whatsoever, call and draw down the letter of credit and thereafter either hold all proceeds as security for the satisfactory completion of all such obligations or employ the proceeds to complete all such obligations and reimburse the County or the waiver community for any and all costs and expenses, including legal fees and administrative costs, incurred by the County or the waiver community, as the Director or the Administrator shall determine.
4. If at any time the Director or the Administrator determines that the funds remaining in the letter of credit are not, or may not be, sufficient to pay in full the remaining unpaid cost of all stormwater facility construction or erosion and sediment control measures, then, within ten (10) days following a demand by the Director or the Administrator, the developer shall increase the amount of the letter of credit to an amount determined by the Director or the Administrator to be sufficient to pay such unpaid costs. Failure to so increase the amount of the security shall be grounds for the Director or the Administrator to draw down the entire remaining balance of the letter of credit.
5. If at any time the Director or the Administrator determines that the bank issuing the letter of credit is without capital resources of at least ten million dollars (\$10,000,000), is unable to meet any federal or state requirement for reserves, is insolvent, is in danger of becoming any of the foregoing, or is otherwise in danger of being unable to honor such letter of credit at any time during its term, or if the Director or the Administrator otherwise reasonably deems the bank to be insecure, then the Director or the Administrator shall have the right to demand that the developer provide a replacement letter of credit from a bank satisfactory to the Director or the Administrator. Such replacement letter of credit shall be deposited with the Director or the Administrator not later than ten (10) days following such demand. Upon such deposit, the Director or the Administrator shall surrender the original letter of credit to the developer.
6. If the developer fails or refuses to meet fully any of its obligations under this Ordinance or the applicable waiver community ordinance, then the Director or the Administrator may, in his or her discretion, draw on and retain all or any of the funds remaining in the letter of credit. The Director or the Administrator thereafter shall have the right to take any action he or she deems reasonable and appropriate to mitigate the effects of such failure or refusal, and to reimburse the County or the waiver community from the proceeds of the letter of credit for all of its costs and expenses, including legal fees and administrative expenses, resulting from or incurred as a result of the developer's failure or refusal to fully meet its obligations under this Ordinance or the applicable waiver community ordinance. If the funds remaining in the letter of credit are insufficient to repay fully the County or

the waiver community for all such costs and expenses, and to maintain a cash reserve equal to the required letter of credit during the entire time such letter of credit should have been maintained by the developer, then the developer shall, upon demand of the Director or the Administrator therefor, immediately deposit with the Director or the Administrator such additional funds as the Director or the Administrator determines are necessary to fully repay such costs and expenses and to establish such cash reserve.

Sec. 15-180. Long-Term Maintenance.

Subdivision site runoff storage areas, and stormwater facilities not located in dedicated rights-of-way, shall be granted or dedicated to and accepted by a public entity, or shall be conveyed by plat as undivided equal interests to each lot in the subdivision or to dedicated entities approved by the Director or the Administrator. Included in the dedication shall be a plan for continued management, operation, and maintenance of the stormwater facility, including designation of the person or persons responsible for long-term operational management and dedicated funding sources.

1. If title to the land underlying site runoff storage areas and stormwater facilities is conveyed by agreement to each of the lots in the subdivision, then:
 - a. A covenant on the face of the plat shall be provided; and
 - b. Subdivision property owners shall establish a property owner's association to provide for the maintenance of site runoff storage areas and stormwater facilities. The association shall be duly incorporated and the property owners' association agreement shall be recorded for all the lots in that subdivision; and
 - c. The proposed property owners' association by-laws and declaration shall provide for a long term maintenance agreement establishing:
 - (1) Title to the site runoff storage areas and storm water facilities to assure that each lot owner is responsible for a share of the cost of maintenance; and
 - (2) Payment of real estate property taxes for such areas to assure that site runoff storage areas and stormwater facilities are not sold to satisfy delinquent taxes; and
 - (3) Methods of perpetual maintenance, to assure that the standards of the plan for the site runoff storage areas and stormwater facilities are met. Maintenance methods shall be approved by the Director or the Administrator.
2. If title to land underlying the site runoff storage areas and stormwater facilities is conveyed by the plat to a public entity, then:
 - a. The face of the plat shall provide, if necessary, that an easement for public access for construction and maintenance purposes is reserved to the public entity; and

- b. The public entity shall accept the dedication of the site runoff storage areas and stormwater facilities and provide for their perpetual maintenance, including capital expenses for repair and replacement.
3. If title to the land underlying the site runoff storage areas and stormwater facilities is conveyed by the plat to the owner of the land, then:
 - a. The face of the plat shall provide an easement for access and maintenance purposes is reserved to the governmental unit having local jurisdiction over the Stormwater Management Plan for the area in which the property is located; and
 - b. The face of the plat shall provide the maintenance responsibilities including the schedule of perpetual maintenance, repair and replacement; and
 - c. The face of the plat shall stipulate an agreed right of the governmental unit having local jurisdiction over the Stormwater Management Plan for the area in which the property is located to come onto the property upon thirty (30) days written notice to correct any condition which causes the site runoff storage area not to function as hydraulically and hydrologically planned; and to demand payment for such costs or to place a lien against the property for the value of those costs.

Sec. 15-181. through 15-195. Reserved.

ARTICLE 14. ENFORCEMENT AND PENALTIES.

Sec. 15-196. Inspection and Maintenance Authority.

1. Pursuant to the authority granted by 55 ILCS 5/5-1104 & 5-1062 (1992), the County or a waiver community may, after thirty (30) days written notice to the owner or occupant, enter upon any lands or waters within the County for the purpose of inspecting or maintaining stormwater facilities or causing the removal of any obstruction to an affected watercourse.
2. The Director or the Administrator shall post the notice in a prominent place on the premises, and shall send by certified mail a copy of the notice to the property owner listed in the County property tax records. The notice shall:
 - a. State the method by which the stormwater facility will be cleaned or maintained; and
 - b. State the date upon which the proposed work will begin; and
 - c. Inform the property owner that the property owner may appeal the commencement date of the proposed maintenance work.

Sec. 15-197. Required Inspections.

1. Any development constructed pursuant to a Stormwater Management Permit shall be subject to periodic inspections by the Director or the Administrator to ensure conformity with permit provisions and conditions.
2. Unless otherwise provided by a valid and enforceable intergovernmental agreement, the Department shall inspect and monitor the construction and maintenance of mitigation measures prepared pursuant to Section 15-135 of this Ordinance for all mitigated wetlands authorized by a Stormwater Management Permit in a non-waiver or partial waiver community.

Sec. 15-198. Notice of Violations.

Whenever the Director or the Administrator determines that a violation of a permit exists, the Department or the Oversight Committee shall issue a notice of violation to the owner, developer, or person in control by posting a copy of the notice on the subject parcel and by mailing the notice to the owner, developer, or person in control. Such notice shall state the nature of the alleged violation and shall fix a date not less than ten (10) days after the date of the notice when the parcel or development will be reinspected. If the condition is not corrected upon reinspection, then, in addition to other remedies, the proper authorities of the County or the waiver community may institute any appropriate action or proceedings in the circuit court to restrain, correct, or abate such violation.

ARTICLE 14. ENFORCEMENTS AND PENALTIES.
Sec. 15-196. through 15-204.

Sec. 15-199. Revocation of Permits.

The Director or the Administrator may revoke a Stormwater Management Permit under any of the following circumstances:

1. When the application, plans, or other supporting documents required by this Ordinance or the waiver community ordinance reflect a false statement or misrepresentation as to material fact; or
2. When the permit holder fails to post or maintain security, execute covenants, or dedicate easements as required; or
3. Any violation of any relevant local, State, or Federal requirement.

Sec. 15-200. Stop-Work Order.

1. The Director or the Administrator, upon discovery of the existence of any of the circumstances established in Subsection 15-200.2 of this Ordinance, is authorized to issue an order requiring the suspension of the subject development. Such stop-work order shall be in writing, shall indicate the reason for its issuance, and shall order the action, if any, necessary to resolve the circumstances requiring the stop-work order. One copy of the stop-work order shall be posted on the property in a conspicuous place and one copy shall be delivered by mail or by personal delivery to the permit holder and to the owner of the property or his or her agent. The stop-work order shall state the conditions under which the subject development may be resumed.
2. A stop-work order shall be issued if the governmental unit having jurisdiction over Stormwater Management in that area is aware that:
 - a. Development is proceeding in a manner which creates imminent hazard of severe harm to persons or property on or off the site; or
 - b. Development has been accomplished in violation of a requirement of this Ordinance, or the waiver community ordinance, or a Stormwater Management Permit, or any other applicable law or regulation, and a period of longer than fifteen (15) calendar days has elapsed since written notice of the violation or noncompliance was posted on the property in a conspicuous place or given to the person conducting the development without the violation or noncompliance being corrected; or
 - c. Development for which a Stormwater Management Permit is required is proceeding without issuance of a Stormwater Management Permit. In such instance, the stop-work order shall indicate that the effect of the order terminates when the required Stormwater Management Permit is properly obtained.

ARTICLE 14. ENFORCEMENTS AND PENALTIES.
Sec. 15-196. through 15-204.

Sec. 15-201. Fines.

1. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of, any provision of this Ordinance, the applicable waiver community ordinance, or any condition in any permit issued pursuant to this Ordinance or a waiver community ordinance, shall be subject to a fine not in excess of one thousand (\$1,000) for each offense. Each calendar day a violation continues to exist shall constitute a separate offense.
2. For the purposes of this Section 15-201, the owner, any occupant, or the developer and any contractor doing development work on the land shall be jointly and severally liable for any violation of this Ordinance or the waiver community ordinance.
3. The Committee or, in a full waiver community, the Oversight Committee shall request its appropriate legal counsel to prosecute such action as a petty offense pursuant to 730 ILCS 5/5-1-17 (1992); as hereafter amended; or according to other appropriate authority in law or in equity.

Sec. 15-202. Additional Remedies for Special Flood Hazard Areas.

1. Pursuant to 55 ILCS 5/5-12003 (1992), upon the unauthorized excavation or filling of a special flood hazard area in an unincorporated area of the county, by any person, the County may petition the circuit court for an order to remove the fill and restore the parcel to its natural elevation in order to lessen or avoid the imminent threat to public health, safety, or welfare and damage to property resulting from the accumulation or runoff of stormwater or floodwater.
 - a. When, after a diligent search, the identity or whereabouts of the owner of any such parcel, including lien holders of record, are not ascertainable, notice mailed to the person in whose name the real estate was last assessed for taxes, constitutes sufficient notice under this Section 15-202.
 - b. The cost of removal of fill and restoration incurred by the County shall be recoverable from the owner of such real estate and shall be a lien against the property.
 - c. Such lien shall be superior to all other prior existing liens and encumbrances, except taxes; provided that within sixty (60) days after such removal of fill or restoration of the parcel to its natural elevation, the County Board shall file a notice of lien of such cost and expense incurred in the office of the County Recorder.
 - d. Such notice shall include a sworn statement setting out:
 - (1) A description of the real estate sufficient for identification thereof; and
 - (2) The amount of money representing the cost and expense incurred; and
 - (3) The date on which the cost was incurred.

- e. Such lien may be enforced by proceedings of foreclosure as in the case of mortgages or mechanics' liens, which action shall be commenced within three years after the date of filing of the notice of lien.
 - f. Upon payment of the costs and expenses by the owner or persons interested in the property, the lien shall be released by the County or the waiver community and the release may be filed of record.
2. Each waiver community shall utilize all available means at law or in equity to enforce the Special Flood Hazard Area provisions of its applicable ordinance.

Sec. 15-203. Legal and Equitable Relief.

In the enforcement of this Ordinance or the applicable waiver community ordinance, the Director or the Administrator shall have the authority to institute, or cause to be instituted, in the name of the County or the waiver community, any and all actions, legal or equitable, including appeals, that are required for the enforcement of this Ordinance or the applicable waiver community ordinance.

Sec. 15-204. Injunctive Relief.

In circumstances of substantial danger to the environment, to the public health and welfare, or to the livelihood of any person, the Director or the Administrator shall have the authority to cause to be instituted a civil action for an immediate injunction to halt any discharge or other activity causing or contributing to the danger, or to require such other action as may be necessary.

Sec. 15-205. through 15-225. Reserved.

ARTICLE 14. ENFORCEMENTS AND PENALTIES.
Sec. 15-196. through 15-204.

ARTICLE 15. APPEALS.

Sec. 15-226. Right to Appeal.

1. Any person directly aggrieved by any decision, order, requirement, or determination of the Director or the Administrator made pursuant to an interpretation of this Ordinance or the applicable community ordinance shall have the right to appeal such action directly to the Committee or the Oversight Committee; provided, however, that all decisions made by the Director or the Administrator pursuant to Article 14 of this Ordinance shall be deemed final and not appealable, except as otherwise specifically provided in Subsection 15-196.2 of Article 14.
2. Every applicant for an appeal shall notify the Committee or the Oversight Committee in writing of the decision being appealed, which notice shall include a short, plain statement containing the reasons why the decision is being appealed and how the applicant has been directly aggrieved by the action taken.
3. Upon receipt of such a notice of appeal, the Committee or the Oversight Committee shall set a date for a public hearing before the Committee or the Oversight Committee. Such public hearing shall commence not fewer than fourteen (14) days nor more than thirty (30) days after the date on which a properly prepared notice of appeal was received. The applicant shall be promptly notified of the public hearing date.
4. A public hearing shall be set, noticed, and conducted by the Committee in accordance with the provisions of Section 15-256 of this Ordinance.
5. The Committee or the Oversight Committee shall decide the appeal within sixty (60) days after the conclusion of the public hearing. All decisions on appeals shall be in writing and shall include a statement of the reasons for the decision. The failure of the Committee or the Oversight Committee to act within sixty (60) days shall be deemed to be a decision denying the appeal.
6. The applicant may appeal the decision of the Committee to the County Board by filing a notice thereof in the form required by Subsection 15-226.2 of this Ordinance with the County Board within fourteen (14) days after the date of decision by the Committee. Failure to properly file such notice shall render final the decision of the Committee.
7. Within thirty-five (35) days after receipt of a properly prepared and filed notice of appeal, the County Board shall, without hearing, affirm, reverse, or modify the decision of the Committee. The failure of the County Board to act within thirty-five (35) days shall be deemed to be a final decision of the County Board denying the appeal.
8. The decision of the County Board shall in all instances be considered a final decision.

Sec. 15-227. through 15-235. Reserved.

ARTICLE 15. APPEALS.

Sec. 15-226. through 15-226.

ARTICLE 16. VARIANCES.

Sec. 15-236. Authority; Applications; Standards.

1. The County Board in non-waiver communities or the corporate authorities of the waiver community shall have the authority to grant variances from the requirements of this Ordinance, but only in compliance with the procedures set forth in this Section 15-236.
2. The variance procedure is intended to provide a narrowly circumscribed means by which relief may be granted to allow development when the requirements of this Ordinance or the applicable waiver community ordinance place an undue and particular hardship on a specific developer.
3. Variance petitions may be filed either by the owner or by the developer of land specified in the application.
4. The petition for a variance shall accompany or follow an application for a Stormwater Management Permit including all necessary submittals.
5. All variance petitions filed pursuant to this Section 15-236 shall be filed with the Director or the Administrator.
6. All variance petitions filed pursuant to this Section 15-236 shall be on forms supplied by the Director or the Administrator and shall be filed in such number of duplicate copies as the Director or the Administrator may designate by administrative order.
7. Every variance petition filed pursuant to this Section 15-236 shall provide the following information:
 - a. The owner's or developer's signed consent to the filing of the petition; and
 - b. The names and addresses of all professional consultants, if any, advising the petitioner with respect to the petition; and
 - c. The name and address and the nature and extent of any economic or family interest of any officer or employee of the County in non-waiver communities, or the local municipality in a waiver community, as to: the owner, the petitioner, or the subject property or development; and
 - d. The addresses and legal description of the subject property or development; and
 - e. The specific feature or features of the proposed construction or development that require a variance; and
 - f. The specific provision of this Ordinance or the waiver community ordinance from which a variance is sought and the precise variation therefrom being sought; and
 - g. A statement of the characteristics of the subject property or development that prevent compliance with the provisions of this Ordinance or the waiver community ordinance; and

ARTICLE 16. VARIANCES

Sec. 15-236. through 15-240.

- h. A statement of the minimum variance of the provisions of this Ordinance or the waiver community ordinance that would be necessary to permit the proposed construction or development; and
 - i. A statement of how the variance sought satisfies the standards set forth in Subsection 15-236.10 of this Ordinance.
8. No public hearing will be scheduled on a variance petition unless the petition is filed in proper form and number and contains all required information.
 9. Whenever supplemental data in connection with a previously filed variance petition is required or offered by the applicant, it shall be submitted at least five (5) days prior to the date on which it is to be considered at a hearing or acted upon in connection with such petition. The filing of such data shall, in the discretion of the body hearing the petition, be cause to delay a requested or scheduled hearing date.
 10. The Committee or the Oversight Committee shall consider, and the County Board or the corporate authorities of the waiver community may grant, such petition for a variance only when it is consistent with the general purpose and intent of this Ordinance or the waiver community ordinance and when the development meets the requirements specified in Section 15-112 of this Ordinance as well as the following conditions:
 - a. Granting the variance shall not alter the essential character of the area involved, including existing stream uses; and
 - b. Carrying out the strict letter of the provisions of this Ordinance or the waiver community ordinance would create an undue or particular hardship or difficulty on a specific developer or owner; and
 - c. The relief requested is the minimum necessary and there are no means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit the reasonable continuation of the development; and
 - d. The applicant's circumstances are unique and do not represent a general condition or problem; and
 - e. The subject development is exceptional as compared to other developments subject to the same provision; and
 - f. A development proposed for a Special Management Area could not be constructed if it were limited to areas outside the Special Management Area.
 11. No variance shall be granted for any development in the regulatory floodway, regulatory wetlands, and critical wetlands from any provision of this Ordinance or a waiver community ordinance the effect of which variance would be to create regulation less restrictive or stringent than federal and/or

ARTICLE 16. VARIANCES
 Sec. 15-236. through 15-240.

state required minimum standards for development in such areas. Subject to this standard, a variance may be granted in accordance with this Section 15-236 from provisions of this Ordinance or a waiver community ordinance more restrictive or stringent than the federal and/or state required minimum standards for development in such areas.

12. When a variance from the requirements of this Ordinance or the waiver community ordinance would lessen the degree of protection to a structure, the Director or the Administrator shall notify the applicant that the variance, if granted, may result in increased rates for flood insurance.
13. The Director or the Administrator shall give written notice of any variance petition, including the date and time of the public hearing, to the Committee, the Director, and all watershed planning area community Administrators. Such notice shall be sent no less than twenty-one (21) days in advance of the date of the public hearing by regular U.S. mail or its equivalent. In addition, the permit application and variance petition including all permit submittals and support documentation shall be sent to the Director.

Sec. 15-237. Public Hearing Required.

A public hearing shall be set, noticed, and conducted by the Committee or the Oversight Committee in accordance with the provisions of Section 15-256 of this Ordinance.

Sec. 15-238. Review and Recommendation.

1. The Director or the Administrator shall review all requests or petitions for a variance and shall present written findings of the review to the Committee or the Oversight Committee.
2. Within thirty-five (35) days after the close of the public hearing, the Committee or the Oversight Committee shall make a written recommendation to the County Board or the corporate authorities of the waiver community to grant or deny the variance petition. The failure of the Committee or the Oversight Committee to act within thirty-five (35) days shall be deemed to be a recommendation to deny the variation.
3. The written recommendation of the Committee or the Oversight Committee whether to grant or deny the requested variance shall be accompanied by written findings of fact specifying the reasons for the decision, which written findings shall be distributed to the members of the County Board or the corporate authorities of the waiver community before the County Board or the corporate authorities of the waiver community votes to grant or deny the variance petition.

Sec. 15-239. Decision.

The County Board or the corporate authorities of the waiver community shall grant the variation, grant the variation with modifications or conditions, or deny the variation within forty-five (45) days after receipt of the recommendation of the Committee or the Oversight Committee. The failure of the County Board or the corporate authorities of the waiver community to act within forty-five (45) days, or such additional time as the applicant may agree, shall be deemed to be a decision denying the variation.

ARTICLE 16. VARIANCES

Sec. 15-236. through 15-240.

Sec. 15-240. Conditions.

1. A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.
2. The County Board or the corporate authorities of the waiver community may impose such specific conditions and limitations concerning any matter relating to the purposes and objectives of this Ordinance or the waiver community ordinance on the development benefited by a variance as may be necessary or appropriate.
3. Whenever any variance authorized pursuant to this Ordinance or the waiver community ordinance is made subject to conditions and limitations to be met by the developers, the applicant shall, upon meeting such conditions, file an affidavit with the Director or the Administrator so stating.
4. For any variance to Section 15-114, a fee shall be required pursuant to Section 15-115 to compensate for any site runoff storage not being provided.

Sec. 15-241. through 15-255. Reserved.

ARTICLE 16. VARIANCES
Sec. 15-236. through 15-240.

ARTICLE 17. MISCELLANEOUS PROVISIONS.

Sec. 15-256. Public Hearings.

1. When the provisions of this Ordinance or the waiver community ordinance require a public hearing in connection with any application, petition, or appeal, the Committee or the Oversight Committee shall, upon receipt of a properly completed application, petition, or notice, fix a reasonable time and place for such hearing or meeting; provided, however, that such hearing or meeting shall be commenced no later than sixty (60) days, and shall be concluded no later than one hundred twenty (120) days, following the submission of the subject application, or petition, unless the hearing or meeting agenda of the body is completely committed during that time.
2. All hearings shall be open to the public and shall be held before the Committee or the Oversight Committee.
3. The Committee or the Oversight Committee shall cause notice to be given of public hearings in the form and manner and to the persons herein specified.
4. Such notice shall contain a description of the subject matter to be heard or considered at the hearing, the address or particular location of the subject development, and the time, place, and date of the hearing. The notice shall also contain a reference to the particular sections of this Ordinance or the waiver community ordinance involved.
5. Notice of every hearing shall be given by mail or personal delivery to the applicant or petitioner. Notice by mail shall be mailed no fewer than fourteen (14) days in advance of the hearing by regular U.S. mail, except as otherwise specifically provided in this Ordinance or the waiver community ordinance.
6. The Committee or the Oversight Committee shall publish notice of the public hearing at least once, not less than fourteen (14) days before the date for the hearing, in a newspaper of general circulation in the geographic area where the property that is the subject of the hearing is located.
7. Any interested person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the Committee, and the Oversight Committee, may exclude irrelevant, immaterial, or unduly repetitious evidence.
8. Subject to the discretion of the Committee, and the Oversight Committee, the applicant or petitioner, or any other party to the hearing, may be allowed any or all of the following rights:
 - a. To present witnesses on their behalf.
 - b. To cross-examine all witnesses testifying in opposition to the application, petition, or appeal.
 - c. To examine and reproduce any documents produced at the hearing.

ARTICLE 17. MISCELLANEOUS PROVISIONS.

Sec. 15-256. through 15-260.

- d. To have subpoenas issued by the body in charge of the hearing as may be provided by Illinois law for persons to appear at the hearings and for examination of documents by the person requesting the subpoena either before or during the hearing, where such persons or documents are shown to have a substantial evidentiary connection with:
 - (1) The development to which the request applies; or
 - (2) Facts that would support or negate the legal standards for granting or denying the request or appeal.
- e. To a continuance, upon request, for the purpose of presenting evidence to rebut evidence introduced by any other person.

In determining whether to grant or withhold such rights, the discretion of the Committee, and the Oversight Committee, shall be governed by the goal of securing all information and opinion relevant and material to its deliberations. Such rights shall not be granted, however, when undue and unwarranted delay would result or when to do so would tend to produce no new evidence to aid the hearing body in reaching its decision.

9. The Committee, and the Oversight Committee, may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the Committee, and the Oversight Committee, may find sufficient. Proper notice of such a recess shall be given to all parties to the hearing, and any other person designated by the Committee, and the Oversight Committee.
10. All testimony at every hearing shall be given under oath.
11. Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the Committee, and the Oversight Committee, following such hearing, submit written statements in support of or in opposition to the application, petition, or appeal being heard.
12. All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Ordinance or the waiver community ordinance pertaining to, and the rules promulgated by, the Committee or the Oversight Committee.
13. The record of the public hearing shall include:
 - a. All notices and responses thereto; and
 - b. A transcript or notes, if any, of all oral testimony received, the cost of which transcription shall be the responsibility of the party requesting that the record be transcribed, and all written information, if any, submitted by parties or the public; and
 - c. Any recommendation or report by the hearing body; and

ARTICLE 17. MISCELLANEOUS PROVISIONS.
Sec. 15-256. through 15-260.

- d. All Department memoranda or data submitted to the hearing body in connection with its consideration of the subject matter of the hearing.
14. The decision or recommendation of the Committee or the Oversight Committee shall be in writing and shall include findings of fact specifying the reasons for the decision. The copy of the written decision shall be provided to the applicant or petitioner and transmitted to the County Board or the corporate authorities of a waiver community.

Sec. 15-257. Severability.

1. The several provisions of this Ordinance or the waiver community ordinance shall be severable in accordance with the following rules:
 - a. If any court of competent jurisdiction shall adjudge any provision of this Ordinance or the waiver community ordinance invalid, such judgment shall not affect any other provisions of this Ordinance or the waiver community ordinance.
 - b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance, or the waiver community ordinance, to a particular parcel of land, a particular structure, or a particular development, such judgment shall not affect the application of said provisions to any other land, structure, or development.
2. All such unaffected provisions of this Ordinance or the waiver community ordinance shall remain in full force and effect.

Sec. 15-258. Most Restrictive Provisions Apply.

The provisions of this Ordinance and all applicable waiver community ordinances shall be interpreted to be cumulative of, and to impose limitations in addition to, all other ordinances, laws, codes, and regulations in existence or which may be passed governing any subject matter of this Ordinance or the waiver community ordinances. To the greatest extent possible, the provisions of this Ordinance and the waiver community ordinances shall be construed to be consistent with, and not in conflict with, the provisions of such other ordinances, laws, codes, and regulations, and with each other, to the end that all such provisions may be given their fullest application.

This Ordinance 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 any resolution which the applicable governmental entity passed in order to establish initial eligibility for the National Flood Insurance Program.

ARTICLE 17. MISCELLANEOUS PROVISIONS.
Sec. 15-256. through 15-260.

Sec. 15-259. Amendments.

This Ordinance may be amended in accordance with the adopted rules of the Committee and the DuPage County Board. Amendments to this Ordinance shall only take effect after a public hearing is held before the Committee and the amendment is adopted by the DuPage County Board. Unless otherwise noted, complete Stormwater Permit Applications that are accepted prior to the effective date of an amendment will not be subject to that amendment.

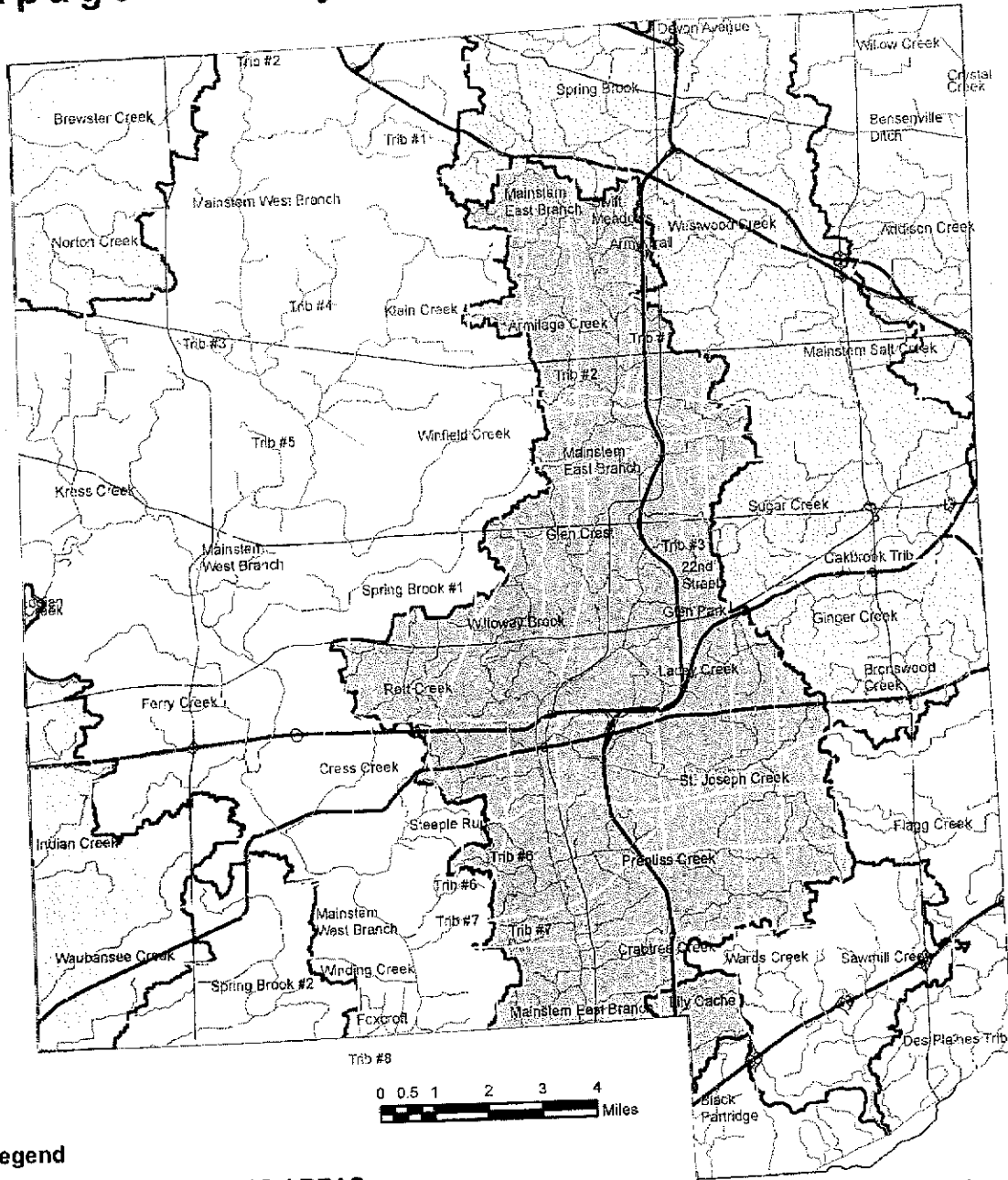
Sec. 15-260. Effective Date.

This Ordinance shall take effect for all purposes, and its effective date shall be, February 15, 1992.

Sec. 15-261. through 15-265. Reserved.

ARTICLE 17. MISCELLANEOUS PROVISIONS.
Sec. 15-256. through 15-260.

Exhibit 1 Dupage County Watershed Planning Areas



Legend

- WATERSHED PLANNING AREAS**
- Salt Creek Watershed
 - Fox River Tributaries Watershed
 - Sawmill Creek Watershed
 - West Branch Dupage River Watershed
 - East Branch Dupage River Watershed
 - Des Plaines River Tributaries Watershed
 - Rivers & Streams
 - Riverbasins



For more information, contact:
DUPAGE COUNTY, ILLINOIS
STORMWATER MANAGEMENT
 421 North County Farm Road
 Wheaton, IL 60187-3578
 Phone - (630) 467-6800



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EXHIBIT 2

DU PAGE COUNTY, ILLINOIS

DESIGNATED FLOODWAYS / FLOOD PLAINS

June 1, 2004

INCORPORATED AND UNINCORPORATED AREAS

REGULATORY ≈ RFM's: 0101 thru 1006

E.D.'S : 07/01/04 or later

FIRM ≈ C-PN'S: 17043C 0101 thru 1006

E.D.'S : 12/16/04

FIS ≈ December 16, 2004

FIRM/RFM Cross Index: Tributary Watersheds vs. (Panel Numbers, Incorporated Areas)

Tributary	FIRM/RFM Panel	Incorporated Areas / Unincorporated Areas
DesPlaines River, Addison Creek (DPAC)	0305, 0306, 0308, 0309, 0603, 0606	ADDISON, BENSENVILLE, ELMHURST, UNINCORPORATED DUPAGE COUNTY, WOOD DALE
DesPlaines River, Bensenville Ditch (DPBD)	0302, 0303, 0305, 0306	BENSENVILLE, CHICAGO, UNINCORPORATED DUPAGE COUNTY, WOOD DALE
DesPlaines River, Black Partridge Creek (DPBP)	1001, 1004	DARIEN, LEMONT, UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
DesPlaines River, Crystal Creek (DPCT)	0303	CHICAGO
DesPlaines River, Main Stem (DPDP)	0908, 0909, 1001, 1002, 1003, 1004, 1005, 1006	ARGONNE NATIONAL LAB, BURR RIDGE, DARIEN, LEMONT, UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
DesPlaines River, Flagg Creek (DPFC)	0609, 0902, 0903, 0905, 0906, 0909, 1003	BURR RIDGE, CLARENDON HILLS, DARIEN, HINSDALE, UNINCORPORATED DUPAGE COUNTY, WESTMONT, WILLOWBROOK
DesPlaines River,	0809, 0907, 1001	BOLINGBROOK, DARIEN, UNINCORPORATED

Lily Cache (DPLL)		DUPAGE COUNTY, WOODRIDGE
DesPlaines River, Willow Creek (DPWL)	0302, 0303, 0305, 0306	BENSENVILLE, CHICAGO, ELK GROVE VILLAGE, UNINCORPORATED DUPAGE COUNTY, WOOD DALE
DuPage River, Springbrook #2 (DUSG)	0705, 0706, 0707, 0708, 0709, 0807	AURORA, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
East Branch DuPage River, Armitage Creek (EBAR)	0208, 0209	CAROL STREAM, GLENDALE HEIGHTS, UNINCORPORATED DUPAGE COUNTY
East Branch DuPage River, Army Trail Road Tributary (EBAT)	0206, 0209	ADDISON, BLOOMINGDALE, GLENDALE HEIGHTS, UNINCORPORATED DUPAGE COUNTY
East Branch DuPage River, Crabtree Creek (EBCR)	0806, 0809, 0907	UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
East Branch DuPage River, Tributary #1 (EBE1)	0209, 0307, 0503, 0601	ADDISON, LOMBARD, UNINCORPORATED DUPAGE COUNTY
East Branch DuPage River, Tributary #2 (EBE2)	0208, 0209, 0502, 0503	GLEN ELLYN, GLENDALE HEIGHTS, UNINCORPORATED DUPAGE COUNTY
East Branch DuPage River, Tributary #3 (EBE3)	0506, 0604	LOMBARD, UNINCORPORATED DUPAGE COUNTY
East Branch DuPage River, Tributary #6 (EBE6)	0804, 0805, 0808	LISLE, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
East Branch DuPage River, Tributary #7 (EBE7)	0805, 0808, 0809	NAPERVILLE, UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
East Branch DuPage River, Main Stem (EBEB)	0205, 0206, 0208, 0209, 0307, 0502, 0503, 0505, 0506, 0508, 0509, 0601, 0602, 0604, 0605, 0607, 0802, 0803, 0805, 0806, 0808, 0809	ADDISON, BLOOMINGDALE, BOLINGBROOK, DOWNERS GROVE, GLEN ELLYN, GLENDALE HEIGHTS, LISLE, LOMBARD, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY, WHEATON, WOODRIDGE
East Branch DuPage River, Glen Crest Creek (EBGL)	0505, 0506, 0508, 0509	GLEN ELLYN, LOMBARD, UNINCORPORATED DUPAGE COUNTY, WHEATON
East Branch DuPage River, Glen Park (EBGP)	0509, 0607	DOWNERS GROVE, LOMBARD, UNINCORPORATED DUPAGE COUNTY
East Branch DuPage River, Lacey Creek (EBLA)	0509, 0607, 0608, 0803, 0901, 0902	DOWNERS GROVE, LOMBARD, OAK BROOK, UNINCORPORATED DUPAGE COUNTY
East Branch DuPage River, Prentiss Creek (EBPR)	0803, 0805, 0806, 0809, 0904, 0905, 0907, 0908	DARIEN, DOWNERS GROVE, LISLE, UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
East Branch	0409, 0507, 0508, 0703, 0801,	LISLE, NAPERVILLE, UNINCORPORATED DUPAGE

DuPage River, Rott Creek (EBRC)	0802, 0805	COUNTY, WARRENVILLE, WHEATON
East Branch DuPage River, St. Josephs Creek (EBSJ)	0608, 0802, 0803, 0806, 0901, 0902, 0904, 0905	DARIEN, DOWNERS GROVE, LISLE, UNINCORPORATED DUPAGE COUNTY, WESTMONT
East Branch DuPage River, Swift Meadows (EBSM)	0206, 0209	ADDISON, BLOOMINGDALE, UNINCORPORATED DUPAGE COUNTY
East Branch DuPage River, 22 nd Street (EBTS)	0506, 0509, 0604, 0607	DOWNERS GROVE, LOMBARD, UNINCORPORATED DUPAGE COUNTY
East Branch DuPage River, Willoway Brook (EBWI)	0505, 0507, 0508, 0509, 0802	GLEN ELLYN, LISLE, UNINCORPORATED DUPAGE COUNTY, WHEATON
Fox River, Brewster Creek (FRBC)	0101, 0102, 0104, 0105	BARTLETT, UNINCORPORATED DUPAGE COUNTY, WAYNE
Fox River, Indian Creek (FRIC)	0404, 0407, 0701, 0704	AURORA, FERMI NATIONAL ACCEL. LAB, UNINCORPORATED DUPAGE COUNTY
Fox River, Norton Creek (FRNC)	0101, 0104, 0105, 0107, 0108	BARTLETT, ST. CHARLES, UNINCORPORATED DUPAGE COUNTY, WAYNE, WEST CHICAGO
Fox River, Waubensee Creek (FRWA)	0702, 0704, 0705, 0707, 0708	AURORA, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
Salt Creek, Bronswood Creek (SCBW)	0608, 0609, 0902, 0903	CLARENDON HILLS, DOWNERS GROVE, HINSDALE, OAK BROOK, UNINCORPORATED DUPAGE COUNTY, WESTMONT
Salt Creek, Devon Avenue Tributary (SCDA)	0203, 0301, 0302	ITASCA, UNINCORPORATED DUPAGE COUNTY
Salt Creek, Ginger Creek (SCGC)	0604, 0605, 0606, 0607, 0608, 0609	DOWNERS GROVE, LOMBARD, OAK BROOK, OAKBROOK TERRACE, UNINCORPORATED DUPAGE COUNTY, WESTMONT
Salt Creek, Oak Brook Tributary (SCOB)	0605, 0606	OAK BROOK, OAKBROOK TERRACE, UNINCORPORATED DUPAGE COUNTY
Salt Creek, Spring Brook Creek (SCSB)	0202, 0203, 0205, 0206, 0301, 0302, 0304	ADDISON, BLOOMINGDALE, ITASCA, ROSELLE, SCHAUMBURG, UNINCORPORATED DUPAGE COUNTY, WOOD DALE
Salt Creek Main Stem (SCSC)	0301, 0302, 0304, 0305, 0307, 0308, 0309, 0601, 0602, 0603, 0605, 0606, 0609, 0903	ADDISON, ELK GROVE VILLAGE, ELMHURST, HINSDALE, ITASCA, LOMBARD, OAK BROOK, OAKBROOK TERRACE, UNINCORPORATED DUPAGE COUNTY, VILLA PARK, WOOD DALE
Salt Creek, Sugar Creek (SCSU)	0602, 0604, 0605, 0606	ELMHURST, LOMBARD, OAKBROOK TERRACE, UNINCORPORATED DUPAGE COUNTY, VILLA PARK
Salt Creek, Westwood Creek (SCWC)	0206, 0209, 0304, 0305, 0307, 0308, 0601	ADDISON, LOMBARD, UNINCORPORATED DUPAGE COUNTY, VILLA PARK, WOOD DALE
Sawmill Creek Main Stem (SWSW)	0905, 0906, 0908, 0909, 1001, 1002, 1005	ARGONNE NATIONAL LAB, BURR RIDGE, DARIEN, DOWNERS GROVE, LEMONT, UNINCORPORATED DUPAGE COUNTY, WILLOWBROOK, WOODRIDGE
Sawmill Creek, Wards Creek (SwwD)	0907, 0908, 1001, 1002	DARIEN, DOWNERS GROVE, UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
West Branch DuPage River, Cress Creek	0703, 0706, 0801, 0804	NAPERVILLE, UNINCORPORATED DUPAGE COUNTY, WARRENVILLE

(WBCC)		
West Branch DuPage River, Ferry Creek (WBFE)	0404, 0405, 0407, 0408, 0409, 0701, 0702, 0703, 0704, 0705	AURORA, FERMI NATIONAL ACCEL. LAB., NAPERVILLE, UNINCORPORATED DUPAGE COUNTY, WARRENVILLE
West Branch DuPage River, South of Foxcroft (WBFX)	0709, 0807	NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
West Branch DuPage River, Klein Creek (WBKC)	0109, 0204, 0205, 0207, 0208, 0403, 0501, 0502	BLOOMINGDALE, CAROL STREAM, GLENDALE HEIGHTS, HANOVER PARK, UNINCORPORATED DUPAGE COUNTY, WHEATON, WINFIELD
West Branch DuPage River, Kress Creek (WBKR)	0107, 0108, 0401, 0402, 0404, 0405	BATAVIA, FERMI NATIONAL ACCEL. LAB., ST, CHARLES, UNINCORPORATED DUPAGE COUNTY, WEST CHICAGO
West Branch DuPage River, Spring Brook #1 (WBSP)	0406, 0408, 0409, 0502, 0504, 0505, 0507, 0508	GLEN ELLYN, UNINCORPORATED DUPAGE COUNTY, WARRENVILLE, WHEATON
West Branch DuPage River, Steeple Run (WBSR)	0801, 0802, 0804, 0805	LISLE, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY,
West Branch DuPage River, Tributary #1 (WBW1)	0103, 0106, 0201, 0202, 0204, 0205	BLOOMINGDALE, HANOVER PARK, ROSELLE, UNINCORPORATED DUPAGE COUNTY
West Branch DuPage River, Tributary #2 (WBW2)	0102, 0103	BARTLETT, HANOVER PARK, UNINCORPORATED DUPAGE COUNTY
West Branch DuPage River, Tributary #3 (WBW3)	0108, 0109, 0402, 0403	UNINCORPORATED DUPAGE COUNTY, WEST CHICAGO
West Branch DuPage River, Tributary #4 (WBW4)	0106, 0109, 0204, 0207	BLOOMINGDALE, CAROL STREAM, HANOVER PARK, UNINCORPORATED DUPAGE COUNTY, WEST CHICAGO
West Branch DuPage River, Tributary #5 (WBW5)	0402, 0403, 0406	UNINCORPORATED DUPAGE COUNTY, WEST CHICAGO, WINFIELD
West Branch DuPage River, Tributary #6 (WBW6)	0804, 0805, 0807	LISLE, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
West Branch DuPage River, Tributary #7 (WBW7)	0804, 0805, 0807, 0808	LISLE, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
West Branch DuPage River, Tributary #8 (WBW8)	0709, 0807	NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
West Branch DuPage River Main Stem	0102, 0103, 0105, 0106, 0108, 0109, 0201, 0202, 0204, 0402, 0403, 0405, 0406, 0408, 0409,	AURORA, BARTLETT, BLOOMINGDALE, CAROL STREAM, FERMI NATIONAL ACCEL. LAB., HANOVER PARK, NAPERVILLE, ROSELLE, SCHAUMBURG,

(WBWB)	0501, 0507, 0702, 0703, 0705, 0706, 0709, 0801, 0804, 0807, 0808	UNINCORPORATED DUPAGE COUNTY, WARRENVILLE, WAYNE, WEST CHICAGO, WINFIELD
West Branch DuPage River, Winfield Creek (WBWF)	0207, 0208, 0403, 0406, 0501, 0502, 0504, 0505	CAROL STREAM, GLEN ELLYN, GLENDALE HEIGHTS, UNINCORPORATED DUPAGE COUNTY, WHEATON, WINFIELD
West Branch DuPage River, Winding Creek (WBWG)	0709, 0807	NAPERVILLE, UNINCORPORATED DUPAGE COUNTY

FIRM/RFM Cross Index: Panel Numbers vs (Tributary Watersheds, Incorporated Areas)

Panel	Tributary Watershed	Incorporated Areas / Unincorporated Areas
0101	FRBC, FRNC	BARTLETT, UNINCORPORATED DUPAGE COUNTY, WAYNE
0102	FRBC, WBW2, WBWB	BARTLETT, UNINCORPORATED DUPAGE COUNTY
0103	WBW1, WBW2, WBWB	BARTLETT, HANOVER PARK, UNINCORPORATED DUPAGE COUNTY
0104	FRBC, FRNC	BARTLETT, ST. CHARLES, UNINCORPORATED DUPAGE COUNTY, WAYNE, WEST CHICAGO
0105	FRBC, FRNC, WBWB	BARTLETT, UNINCORPORATED DUPAGE COUNTY, WAYNE
0106	WBW1, WBW4, WBWB	BARTLETT, CAROL STREAM, HANOVER PARK, UNINCORPORATED DUPAGE COUNTY
0107	FRNC, WBKR	ST. CHARLES, UNINCORPORATED DUPAGE COUNTY, WEST CHICAGO
0108	FRNC, WBKR, WBW3, WBWB	UNINCORPORATED DUPAGE COUNTY, WEST CHICAGO
0109	WBKC, WBW3, WBW4, WBWB	CAROL STREAM, UNINCORPORATED DUPAGE COUNTY, WEST CHICAGO
0201	WBW1, WBWB	BLOOMINGDALE, HANOVER PARK, ROSELLE, UNINCORPORATED DUPAGE COUNTY
0202	SCSB, WBW1, WBWB	BLOOMINGDALE, ROSELLE, SCHAUMBURG, UNINCORPORATED DUPAGE COUNTY
0203	SCDA, SCSB	BLOOMINGDALE, ITASCA, ROSELLE, UNINCORPORATED DUPAGE COUNTY
0204	WBKC, WBW1, WBW4, WBWB	BLOOMINGDALE, CAROL STREAM, HANOVER PARK, UNINCORPORATED DUPAGE COUNTY
0205	EBEB, SCSB, WBKC, WBW1	BLOOMINGDALE, GLENDALE HEIGHTS, ROSELLE, UNINCORPORATED DUPAGE COUNTY
0206	EBAT, EBEB, EBSM, SCSB, SCWC	ADDISON, BLOOMINGDALE, GLENDALE HEIGHTS, ITASCA, UNINCORPORATED DUPAGE COUNTY
0207	WBKC, WBW4, WBWF	CAROL STREAM, UNINCORPORATED DUPAGE COUNTY, WINFIELD
0208	EBAR, EBE2, EBEB, WBKC, WBWF	BLOOMINGDALE, CAROL STREAM, GLENDALE HEIGHTS, UNINCORPORATED DUPAGE COUNTY
0209	EBAR, EBAT, EBE1, EBE2, EBEB, EBSM, SCWC	ADDISON, BLOOMINGDALE, GLENDALE HEIGHTS, LOMBARD, UNINCORPORATED DUPAGE COUNTY
0301	SCDA, SCSB, SCSC	ITASCA, UNINCORPORATED DUPAGE COUNTY, WOOD DALE
0302	DPBD, DPWL, SCDA, SCSB, SCSC	BENSENVILLE, ELK GROVE VILLAGE, ITASCA, UNINCORPORATED DUPAGE COUNTY, WOOD DALE
0303	DPBD, DPCT, DPWL	BENSENVILLE, CHICAGO, ELK GROVE VILLAGE
0304	SCSB, SCSC, SCWC	ADDISON, ITASCA, UNINCORPORATED DUPAGE COUNTY, WOOD DALE
0305	DPAC, DPBD, DPWL, SCSC, SCWC	ADDISON, BENSENVILLE, UNINCORPORATED DUPAGE COUNTY, WOOD DALE
0306	DPAC, DPBD, DPWL	BENSENVILLE, CHICAGO, UNINCORPORATED DUPAGE COUNTY
0307	EBE1, EBEB, SCSC, SCWC	ADDISON, LOMBARD, UNINCORPORATED DUPAGE COUNTY, VILLA PARK
0308	DPAC, SCSC, SCWC	ADDISON, ELMHURST, UNINCORPORATED DUPAGE COUNTY, VILLA PARK

0309	DPAC, SCSC	BENSENVILLE, ELMHURST, UNINCORPORATED DUPAGE COUNTY
0401	WBKR	UNINCORPORATED DUPAGE COUNTY, WEST CHICAGO
0402	WBKR, WBW3, WBW5, WBWB	UNINCORPORATED DUPAGE COUNTY, WEST CHICAGO
0403	WBKC, WBW3, WBW5, WBWB, WBWF	UNINCORPORATED DUPAGE COUNTY, WEST CHICAGO, WINFIELD
0404	FRIC, WBFE, WBKR	BATAVIA, FERMI NATIONAL ACCEL. LAB., WEST CHICAGO
0405	WBFE, WBKR, WBWB	FERMI NATIONAL ACCEL. LAB., UNINCORPORATED DUPAGE COUNTY, WARRENVILLE, WEST CHICAGO
0406	WBSP, WBW5, WBWB, WBWF	UNINCORPORATED DUPAGE COUNTY, WHEATON, WINFIELD
0407	FRIC, WBFE	AURORA, FERMI NATIONAL ACCEL. LAB., UNINCORPORATED DUPAGE COUNTY
0408	WBFE, WBSP, WBWB	AURORA, FERMI NATIONAL ACCEL. LAB., NAPERVILLE, UNINCORPORATED DUPAGE COUNTY, WARRENVILLE
0409	EBRC, WBFE, WBSP, WBWB	NAPERVILLE, UNINCORPORATED DUPAGE COUNTY, WARRENVILLE, WHEATON
0501	WBKC, WBWB, WBWF	CAROL STREAM, UNINCORPORATED DUPAGE COUNTY, WHEATON, WINFIELD
0502	EBE2, EBEB, WBKC, WBSP, WBWF	CAROL STREAM, GLEN ELLYN, GLENDALE HEIGHTS, UNINCORPORATED DUPAGE COUNTY, WHEATON
0503	EBE1, EBE2, EBEB	GLEN ELLYN, GLENDALE HEIGHTS, LOMBARD, UNINCORPORATED DUPAGE COUNTY
0504	WBSP, WBWF	UNINCORPORATED DUPAGE COUNTY, WHEATON, WINFIELD
0505	EBEB, EBGL, EBWI, WBSP, WBWF	GLEN ELLYN, UNINCORPORATED DUPAGE COUNTY, WHEATON
0506	EBE3, EBEB, EBGL, EBTS	GLEN ELLYN, LOMBARD, UNINCORPORATED DUPAGE COUNTY
0507	EBRC, EBWI, WBSP, WBWB	LISLE, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY, WHEATON
0508	EBEB, EBGL, EBRC, EBWI, WBSP	GLEN ELLYN, LISLE, UNINCORPORATED DUPAGE COUNTY, WHEATON
0509	EBEB, EBGL, EGBP, EBLA, EBTS, EBWI	DOWNERS GROVE, GLEN ELLYN, UNINCORPORATED DUPAGE COUNTY
0601	EBE1, EBEB, SCSC, SCWC	LOMBARD, UNINCORPORATED DUPAGE COUNTY, VILLA PARK
0602	EBEB, SCSC, SCSU	ELMHURST, LOMBARD, UNINCORPORATED DUPAGE COUNTY, VILLA PARK
0603	DPAC, SCSC	ELMHURST, VILLA PARK
0604	EBE3, EBEB, EBTS, SCGC, SCSU	GLEN ELLYN, LOMBARD, UNINCORPORATED DUPAGE COUNTY
0605	EBEB, SCGC, SCOB, SCSC, SCSU	ELMHURST, LOMBARD, OAK BROOK, OAKBROOK TERRACE, UNINCORPORATED DUPAGE COUNTY, VILLA PARK
0606	DPAC, SCGC, SCOB, SCSC, SCSU	ELMHURST, OAK BROOK, OAKBROOK TERRACE, UNINCORPORATED DUPAGE COUNTY, VILLA PARK
0607	EBEB, EGBP, EBLA, EBTS, SCGC	DOWNERS GROVE, LOMBARD, OAK BROOK, UNINCORPORATED DUPAGE COUNTY
0608	EBLA, EBSJ, SCBW, SCGC	DOWNERS GROVE, LOMBARD, OAK BROOK, OAKBROOK TERRACE, UNINCORPORATED DUPAGE COUNTY, WESTMONT
0609	DPFC, SCBW, SCGC, SCSC	HINSDALE, OAK BROOK, OAKBROOK TERRACE, WESTMONT
0701	FRIC, WBFE	AURORA, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
0702	FRWA, WBFE, WBWB	AURORA, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY, WARRENVILLE
0703	EBRC, WBCC, WBFE, WBWB	NAPERVILLE, UNINCORPORATED DUPAGE COUNTY, WARRENVILLE
0704	FRIC, FRWA, WBFE	AURORA, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
0705	DUSG, FRWA, WBFE, WBWB	AURORA, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
0706	DUSG, WBCC, WBWB	NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
0707	DUSG, FRWA	AURORA, UNINCORPORATED DUPAGE COUNTY
0708	DUSG, FRWA	AURORA, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
0709	DUSG, WBFX, WBW8, WBWB, WBWG	NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
0801	EBRC, WBCC, WBSR, WBWB	LISLE, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY

0802	EBEB, EBRC, EBSJ, EBWI, WBSR	LISLE, UNINCORPORATED DUPAGE COUNTY
0803	EBEB, EBLA, EBPR, EBSJ	DOWNERS GROVE, LISLE, UNINCORPORATED DUPAGE COUNTY
0804	EBE6, WBCC, WBSR, WBW6, WBW7, WBWB	LISLE, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
0805	EBE6, EBE7, EBEB, EBPR, EBRC, WBSR, WBW6, WBW7	LISLE, NAPERVILLE, UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
0806	EBCR, EBEB, EBPR, EBSJ	DOWNERS GROVE, LISLE, UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
0807	DUSG, WBFX, WBW6, WBW7, WBW8, WBWB, WBWG	NAPERVILLE, UNINCORPORATED DUPAGE COUNTY
0808	EBE6, EBE7, EBEB, WBW7, WBWB	NAPERVILLE, UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
0809	DPLL, EBCR, EBE7, EBEB, EBPR	BOLINGBROOK, UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
0901	EBLA, EBSJ	DOWNERS GROVE, UNINCORPORATED DUPAGE COUNTY
0902	DPFC, EBLA, EBSJ, SCBW	CLARENDON HILLS, DOWNERS GROVE, UNINCORPORATED DUPAGE COUNTY, WESTMONT
0903	DPFC, SCBW, SCSC	CLARENDON HILLS, HINSDALE, OAK BROOK, UNINCORPORATED DUPAGE COUNTY, WESTMONT
0904	EBPR, EBSJ	DARIEN, DOWNERS GROVE, UNINCORPORATED DUPAGE COUNTY, WESTMONT
0905	DPFC, EBPR, EBSJ, SWSW	CLARENDON HILLS, DARIEN, DOWNERS GROVE, UNINCORPORATED DUPAGE COUNTY, WESTMONT, WILLOWBROOK
0906	DPFC, SWSW	BURR RIDGE, CLARENDON HILLS, DARIEN, HINSDALE, UNINCORPORATED DUPAGE COUNTY, WILLOWBROOK
0907	DPLL, EBCR, EBPR, SWWD	DARIEN, DOWNERS GROVE, UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
0908	DPDP, EBPR, SWSW, SWWD	DARIEN, DOWNERS GROVE, UNINCORPORATED DUPAGE COUNTY, WILLOWBROOK
0909	DPDP, DPFC, SWSW	BURR RIDGE, DARIEN, UNINCORPORATED DUPAGE COUNTY, WILLOWBROOK
1001	DPBP, DPDP, DPLL, SWSW, SWWD	ARGONNE NATIONAL LAB, BOLINGBROOK, DARIEN, LEMONT, UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
1002	DPDP, SWSW, SWWD	ARGONNE NATIONAL LAB, DARIEN, UNINCORPORATED DUPAGE COUNTY
1003	DPDP, DPFC	BURR RIDGE, LEMONT, UNINCORPORATED DUPAGE COUNTY
1004	DPBP, DPDP	ARGONNE NATIONAL LAB, DARIEN, LEMONT, UNINCORPORATED DUPAGE COUNTY, WOODRIDGE
1005	DPDP, SWSW	ARGONNE NATIONAL LAB, LEMONT, UNINCORPORATED DUPAGE COUNTY
1006	DPDP	LEMONT, UNINCORPORATED DUPAGE COUNTY

FIRM/RFM Cross Index: Incorporated Areas vs. (Panel Numbers, Tributary Watersheds)

Area	DFIRM/RFM Panel	Tributary Watershed
ADDISON	0206, 0209, 0304, 0305, 0307, 0308	DPAC, EBAT, EBE1, EBEB, EBSM, SCSE, SCSC, SCWC
ARGONNE NATIONAL LAB	0809, 1002, 1004, 1005	DPDP, SWSW
AURORA	0407, 0408, 0701, 0702, 0704, 0705, 0707, 0708	DUSG, FRIC, FRWA, WBF6, WBWB
BARTLETT	0101, 0102, 0103, 0104, 0105, 0106	FRBC, FRNC, WBW2, WBWB
BATAVIA	0404	WBKR
BENSENVILLE	0302, 0303, 0305, 0306, 0309	DPAC, DPBD, DPWL
BLOOMINGDALE	0201, 0202, 0203, 0204, 0205, 0206,	EBAT, EBEB, EBSM, SCSE, WBKC,

	0207, 0208, 0209	WBW1, WBW4, WBWB
BOLINGBROOK	0809	DPLL, EBEB
BURR RIDGE	0906, 0909, 1003	DPDP, DPFC, SWSW
CAROL STREAM	0106, 0109, 0204, 0205, 0207, 0208, 0501, 0502	EBAR, WBKC, WBW4, WBWB, WBWF
CHICAGO	0303, 0306	DPBD, DPCT, DPWL
CLARENDON HILLS	0902, 0903, 0905, 0906	DPFC, SCBW
DARIEN	0809, 0904, 0905, 0906, 0907, 0908, 0909, 1002, 1003, 1004	DPBP, DPDP, DPFC, DPLL, EBPR, EBSJ, SWSW, SSWD
DOWNERS GROVE	0509, 0607, 0608, 0803, 0806, 0901, 0902, 0904, 0905, 0907, 0908	EBEB, EBG, EBLA, EBPR, EBSJ, EBTS, SCBW, SCGC, SWSW, SSWD
ELK GROVE VILLAGE	0302, 0303	DPWL, SCSC
ELMHURST	0308, 0309, 0602, 0603, 0605, 0606	DPAC, SCSC, SCSU
FERMI NATIONAL ACCEL. LAB.	0401, 0402, 0404, 0405, 0407, 0408	FRIC, WBFE, WBKR, WBWB
GLEN ELLYN	0502, 0503, 0505, 0506, 0508, 0509, 0604	EBE2, EBEB, EBGL, EBWI, WBSP, WBWF
GLENDALE HEIGHTS	0205, 0206, 0208, 0209, 0502, 0503	EBAR, EBAT, EBE2, EBEB, WBKC, WBWF
HANOVER PARK	0103, 0106, 0201, 0204	WBKC, WBW1, WBW2, WBW4, WBWB
HINSDALE	0609, 0903, 0906	DPFC, SCBW, SCSC
ITASCA	0203, 0206, 0301, 0302, 0304	SCDA, SCSB, SCSC
LEMONT	0809, 1003, 1004, 1005, 1006	DPBP, DPDP, SWSW
LISLE	0507, 0508, 0801, 0802, 0803, 0804, 0805, 0806	EBE6, EBEB, EBPR, EBRC, EBSJ, EBWI, WBSR, WBW6, WBW7
LOMBARD	0209, 0307, 0503, 0506, 0509, 0601, 0602, 0604, 0605, 0607, 0608	EBE1, EBE3, EBEB, EBGL, EBG, EBLA, EBTS, SCGC, SCSC, SCSU, SCWC
NAPERVILLE	0408, 0409, 0507, 0701, 0702, 0703, 0704, 0705, 0706, 0708, 0709, 0801, 0804, 0805, 0807, 0808	DUSG, EBE6, EBE7, EBEB, EBRC, FRWA, WBCC, WBFE, WBFX, WBSR, WBW6, WBW7, WBW8, WBWB, WBWG
OAK BROOK	0605, 0606, 0607, 0608, 0609, 0903	EBLA, SCBW, SCGC, SCOB, SCSC
OAKBROOK TERRACE	0605, 0606, 0608, 0609	SCGC, SCOB, SCSC, SCSU
ROSELLE	0201, 0202, 0203, 0205	SCSB, WBW1, WBWB
SCHAUMBURG	0202	SCSB, WBWB
ST. CHARLES	0104, 0107	FRNC, WBKR
UNINCORPORATED DUPAGE COUNTY	0101, 0102, 0103, 0104, 0105, 0106, 0107, 0108, 0109, 0201, 0202, 0203, 0204, 0205, 0206, 0207, 0208, 0209, 0301, 0302, 0304, 0305, 0306, 0307, 0308, 0309, 0401, 0402, 0403, 0405, 0406, 0407, 0408, 0409, 0501, 0502, 0503, 0504, 0505, 0506, 0507, 0508, 0509, 0601, 0602, 0604, 0605, 0606, 0607, 0608, 0701, 0702, 0703, 0704, 0705, 0706, 0707, 0708, 0709, 0801, 0802, 0803, 0804, 0805, 0806, 0807, 0808, 0809, 0901, 0902, 0903, 0904, 0905, 0906, 0907, 0908, 0909, 1002, 1003, 1004, 1005, 1006	DPAC, DPBD, DPBP, DPDP, DPFC, DPLL, DPWL, DUSG, EBAR, EBAT, EBRC, EBE1, EBE2, EBE3, EBE6, EBE7, EBEB, EBGL, EBG, EBLA, EBPR, EBRC, EBSJ, EBSM, EBTS, EBWI, FRBC, FRIC, FRNC, FRWA, SCBW, SCDA, SCGC, SCOB, SCSB, SCSC, SCSU, SCWC, SWSW, SSWD, WBCC, WBFE, WBFX, WBKC, WBKR, WBSP, WBSR, WBW1, WBW2, WBW3, WBW4, WBW5, WBW6, WBW7, WBW8, WBWB, WBWF, WBWG
VILLA PARK	0307, 0308, 0601, 0602, 0603, 0605, 0606	SCSC, SCSU, SCWC
WARRENVILLE	0405, 0408, 0409, 0702, 0703	EBRC, WBCC, WBFE, WBSP, WBWB
WAYNE	0101, 0104, 0105	FRBC, FRNC, WBWB
WEST CHICAGO	0104, 0107, 0108, 0109, 0401, 0402, 0403, 0404, 0405	FRNC, WBKR, WBW3, WBW4, WBW5, WBWB
WESTMONT	0608, 0609, 0902, 0903, 0904, 0905	DPFC, EBSJ, SCBW, SCGC
WHEATON	0406, 0409, 0501, 0502, 0504, 0505, 0507, 0508	EBEB, EBGL, EBRC, EBWI, WBKC, WBSP, WBWF
WILLOWBROOK	0905, 0906, 0908, 0909	DPFC, SWSW

WINFIELD	0207, 0403, 0406, 0501, 0504	WBKC, WBW5, WBWB, WBWF
WOOD DALE	0301, 0302, 0304, 0305, 0306	DPAC, DPBD, DPWL, SCSB, SCSC, SCWC
WOODRIDGE	0805, 0806, 0808, 0809, 0904, 0907, 1004	DPBP, DPDP, DPLL, EBCR, EBE6, EBE7, EBEB, EBPR, SWSW, SWWD

**SCHEDULE A
STORMWATER REVIEW PERMIT FEES**

Application Fee -- \$200

*In addition to the application fee, the following fees will apply as appropriate:
(permit fees are non-refundable once review has begun)*

<u>REVIEW CATEGORY</u>	<u>FEE</u>	<u>REVIEW CATEGORY</u>	<u>FEE</u>
Stormwater Submittals <i>(outside Special Management Areas)</i>		Wetland Submittal <i>(special management area)</i>	
S.F. Home on a single parcel and/or >5000 sq. ft. disturbed	\$50	Wetland Review (includes the review of the delineation, status determination, and development impact to the wetland)	
Small Site - no detention required (<1 acre non-residential, or <3 acre resid.)	\$890	Developments < 1 acre	\$460
Small Site - detention required (1-5 acre non-residential subdivision or PUD, or 3-10 acre residential subdivision)	\$2,215	Developments 1-10 acres	\$710
Large Site - detention required (>5 acre non-residential subdivision or PUD, and >10 acre residential subdivision)	\$3,545 (plus \$30/ac over thresholds)	Developments 10-50 acres	\$960
Roads (per linear mile)	\$105 + \$500/mile (1 mile minimum)	Developments > 50 acres	\$1,200
Flood Plain Submittals <i>(Special Management Area)</i>		Wetland Mitigation Plans (on site or off site)	
Non-insurable accessory structure or small accessory structure - S.F. Home	\$0	Mitigated wetlands < 0.5 acre	\$1,160
S.F. Home, flood plain	\$490	<i>re-inspection fee</i>	\$200
Small site, flood plain (development w/o detention in regulatory flood plain, outside the reg. floodway - i.e. comp. Storage)	\$1,200	Mitigated wetlands 0.5 - 2.0 acres	\$1,260
Detention site, floodplain (development with detention in the regulatory flood plain outside the regulatory floodway)	\$1,340	<i>re-inspection fee</i>	\$400
Development in the regulatory floodway		Mitigated wetlands 2 - 5 acres	\$1,360
Channel modifications, bridges, dams, on-line detention, filling, and any development which affects flood elevations or floodway limits or requires FEQ analysis	\$6,360	<i>re-inspection fee</i>	\$600
Utility crossing at existing grade (sediment & erosion plan only), and other minor developments which do not require a FEQ	\$365	Mitigated wetlands > 5 acres	\$1,460
Streambank stabilization meeting the County's streamline procedure	\$120	<i>re-inspection fee</i>	\$800
		Wetland banking option	**
		**based on the area to be banked and the acre cost of the individual bank	\$360
		Riparian Submittal <i>(special management area)</i>	
		Other Administrative Fees	
		Pre-application meetings:	
		Initial meeting	\$0
		Each additional meeting - varies depending on requested staff members (assume 1 hr., 2 staff members)	\$100
		Permit Review Submittals	
		First rejection	10% of permit fee
		Second rejection	20% of permit fee
		Third or more rejections	60% of permit fee
		Permit Violations/enforcement	2 times normal permit fee
		(after-the-fact permits, not built according to approved plans, etc. -- Any required wetland delineation will be accomplished by a County approved consultant at the cost of the applicant)	
		Flood plain & wetland map requests	\$65
		Variance	\$1,360
		misc. staff time	\$50/hr
		Appeals	\$1,360
		Refundable if upheld	

SCHEDULE B
DETENTION VARIANCE FEE AND BMP FEE-IN-LIEU SCHEDULE
8/1/08

Detention Variance Fee

Salt Creek	\$133,000 per acre-foot
East Branch DuPage River	\$106,000 per acre-foot
West Branch DuPage River	\$ 94,000 per acre-foot
Sawmill Creek	\$ 87,000 per acre-foot
Des Plain River Tributaries	\$133,000 per acre-foot
Fox River Tributaries	\$ 81,000 per acre-foot

The fee is calculated by multiplying the varied storage amount by the cost per acre-foot for the watershed planning area where the development is located.

BMP Fee-in-lieu

Single or two family residential land uses	\$ 3,000 per acre
Religious institutions defined under Sec. 15-40 of the Illinois Property Tax Code and governmental entities, not to include roadways and parking lots	\$ 3,000 per acre
Multiple family or non-residential land uses	\$15,000 per acre
Roadway developments	\$30,000 per acre

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE MUNICIPAL CODE
CHAPTER 14, GENERAL OFFENSES, ARTICLE 4, MISCELLANEOUS
OFFENSES, ADDING SECTION 8, FIREWORKS**

WHEREAS, the Village of Carol Stream is a home rule unit of government under Subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, possession and use of fireworks by the general public is prohibited by state law but has not proven to be an effective deterrent to their use posing a safety hazard to the general public; and

WHEREAS, the Mayor and Board of Trustees have determined that it is necessary to amend Section 14-4 (General Offenses – Miscellaneous Offenses) to include a new Section 8, Fireworks, to provide more effective and efficient enforcement of the state fireworks law; and

WHEREAS, the Mayor and Board of Trustees have determined that adoption of the proposed amendment to the Village Code, in the form set forth in this Ordinance, would serve and be in the best interest of the Village and its residents; and

WHEREAS, the Village of Carol Stream has determined that the safety of its residents is particularly imperiled by the unlawful use of fireworks; and

WHEREAS, the Village of Carol Stream wishes to safeguard residents and visitors of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS; as follows:

SECTION 1: The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2: Chapter 14, General offenses, Article 4, Miscellaneous Offenses, of the Village of Carol Stream Code of Ordinances shall be and is hereby amended to include the following new Section 14-4-8 as follows:

§14-4-8 FIREWORKS:

1. Definition:

A. The term fireworks shall mean and include any explosive composition or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, Roman candles, bombs or other fireworks of like construction and any fireworks containing any explosive compound; or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects. The term "fireworks" shall not include snake or glow worm pellets, smoke devices; sparklers; trick noisemakers known as "party poppers", "bobby traps", "snappers", "trick matches", "cigarette loads" and "auto burglar alarms", toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than twenty-five hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

2. Possession, Sale and Use of Fireworks.

- A. Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any fireworks. The Village may grant permits for pyrotechnic and consumer displays to persons with proven experience in the commercial use of fireworks.**
- B. Any person who violates division (A) of this section shall be punished by a fine of not less than \$500 nor more than \$1,000.**
- C. Any police officer observing a violation of this section may, as an alternative to arresting the offender, issue a "hang-on ticket" as provided in Chapter 15, Article 4 of this code pursuant to which the person cited may pay the sum of \$250 within 10 days of the violation as a compromise or settlement to avoid the prosecution of an ordinance violation in the Circuit Court.**

SECTION 3: This Ordinance Shall be in full force and effect upon its passage and approval as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JUNE 2008.

AYES:

NAYS:

ABSENT:

Frank Saverino, Sr., Mayor

ATTEST:

Beth Melody, Village Clerk

Village of Carol Stream
Interdepartmental Memo

To: Village Manager Joe Breinig

From: 
Chief Rick Willing

Date: May 29, 2008

Re: Police Department proposes that the Village Board approve an ordinance that prohibits the possession and use of fireworks that replicates Illinois State Law and allows officers to issue a "hang-on ticket" for violations with a fine ranging from \$250 to \$1,000.

Fireworks are prohibited by Illinois law. During the summer months and particularly over the 4th of July, the Carol Stream Police Department receives numerous complaints about fireworks. During the 4th of July holiday, due to the volume of these calls, DuComm will only dispatch an officer to a specific location **only if** the complainant wants to be seen and/or is willing to sign a complaint. All of the other calls are dispatched in an advisory fashion (sometimes as many as 5-10 at a time) and does not require the response of a police officer. The number of dispatched calls for fireworks last year was 157. Though undocumented the number of non-dispatched calls concerning fireworks is estimated at a 5 to 1 ratio (750+). Combined, it is estimated that the department receives in excess of 900 9-1-1 complaints concerning fireworks.

The Department receives several complaints in the days following the holidays when residents call and express concern about calling 9-1-1 and either there was no response or the situation continued after an officer responded to the scene.

One of the enforcement challenges of fireworks complaints is that violations must include the physical arrest of the offender under the state law. Such an arrest would take at least one to two hours to process. Due to limited resources of handling the other community events and demands occurring on the 4th of July, it is virtually impossible for our officers to effectively manage the fireworks complaints in the community. In dispatched cases, the officer usually warns the offender, seizes the contraband and requests compliance. In most cases, this is ineffective and multiple complaints are received.

In addition, the illegal use of fireworks is a public safety issue. Carol Stream has been very fortunate that no one has been severely injured through the careless use of fireworks. Fireworks are also a fire hazard to the community.

As I previously mentioned, we receive numerous complaints from residents concerning the pervasive use of fireworks by their neighbors. The use of fireworks is a quality of life of matter for the community.

Since possession and use of fireworks is prohibited by state law, the proscriptive law, in and by itself, has not been a sufficient deterrent to violating the law.

I propose that the Village Board enact an ordinance that makes possession or use of fireworks illegal. Such an ordinance should establish a significant fine of a minimum of \$500 and a maximum of \$1,000 that serves to modify the illegal behavior and serve as a deterrent. The ordinance would replicate the state law concerning the possession and use of fireworks.

The violation for possession of fireworks under state law is a Class A misdemeanor that is punishable up to a year in jail and/or \$2,500 fine.

Officers would be able to issue a "hang on" ticket similar to a parking ticket to the offender. If the violator pays the violation, which is one-half the minimum fine, prior to the 10-day due date, there is no requirement to appear in court as a settlement of compromise. If the offender fails to pay the amount due by the due date, the ticket would be filed in to court and the offender would be required to appear before a judge in field court. Should the defendant be found guilty, the minimum fine would be \$500.

Officers would retain the discretion to "warn and seize" in situations where there is small quantities and the offenders are cooperative and compliant.

Such an ordinance would address several of the current enforcement and deterrent issues:

- Officers could effectively and efficiently enforce the fireworks law. A violation under Village Ordinance would be able to be accomplished on-scene and not require significant down time,
- The fine amount should serve as a deterrent and promote voluntary compliance,
- It would address the public safety concern of the illegal use,
- Improve the quality of life of the residents, and
- Reduce the number of resident complaints following the holidays.

The attachment contains the proposed ordinance. This draft ordinance has been reviewed and approved by Village Attorney Stewart Diamond.

Should the Board approve this ordinance, I would suggest that a significant public awareness campaign be instituted. Such a public awareness should serve as a deterrent and promote voluntary compliance. This could include:

- Local CATV posting,
- Village message board,
- Village Happenings,
- Press releases,
- Citizen Observer message, and
- Flyers posted at local businesses.

AGENDA ITEM

RESOLUTION NO. _____

I-1 6-2-08

A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM

WHEREAS, in the opinion of the corporate authorities of the Village of Carol Stream, Illinois, it is no longer necessary or useful, or for the best interests of the Village of Carol Stream to retain ownership of the personal property hereinafter described; and

WHEREAS, the described surplus property has been determined by the corporate authorities of the Village of Carol Stream to have negligible value to the Village; and

WHEREAS, it has been determined by the Mayor and Board of Trustees of the Village of Carol Stream to dispose of the surplus property described in Exhibit "A" attached to this Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the Mayor and Board of Trustees of the Village of Carol Stream find that the personal property described in the attached "Exhibit A", now owned by the Village of Carol Stream, is no longer useful and authorize its sale on Ebay.

SECTION 2: This resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JUNE 2008.

AYES:

NAYS:

ABSENT:

Frank Saverino, Sr., Mayor

ATTEST:

Beth Melody, Village Clerk

Village of Carol Stream
Interdepartmental Memo

TO: Joe Breinig, Village Manager

REVIEWED AND APPROVED BY: 
Rick Willing, Chief of Police

FROM: Sgt. Bryan Pece

DATE: 05-25-08

RE: Surplus vehicles for auction

The three seized vehicles below have been awarded to the Village via Article 36 seizure laws of the Illinois Compiled Statutes. I would like the vehicles declared as surplus so they can go to auction on Ebay.

- | | | |
|----|-----------------------|------------------------|
| 1- | 1994 Ford F150 | VIN: 1FALP62W9RH211876 |
| 2- | 1993 Ford Thunderbird | VIN: 1FTEF14Y8PLA70946 |
| 3- | 1993 Toyota Celica | VIN: JT2ST87F1P0131658 |

CC: Deputy Chief Orr

AGENDA ITEM

J-1 6-2-08

Village of Carol Stream

Interdepartmental Memo

TO: Joseph E. Breinig, Village Manager

FROM: Terry Davis, Secretary *td*

DATE: May 28, 2008

RE: Request for Waiver of Fee for Sound Amplification Permit
Parents and Teens Together, Inc.

Douglas and Yvonne Petit in conjunction with Parents and Teens Together, Inc. ("P.A.T.T.") are hosting their 4th Annual JP Fun Run on Sunday, August 31, 2008 at Armstrong Park-North Pavilion #2 from Noon to 6:00 PM. P.A.T.T. is a 501c(3) not-for-profit charitable organization which addresses underage drinking in the Carol Stream community.

The attached sound amplification permit application has been submitted along with a letter requesting a waiver of the \$25 permit fee in connection with this event. Staff has confirmed that applicant has made arrangements with the Carol Stream Park District to hold their event at Armstrong Park.

Please place this item on the agenda for the June 2, 2008 meeting for the Board's review and consideration. Thank you.

td
attachments

cc: Carol Stream Park District



Village of Carol Stream



Sound Amplifier Permit Application

Please thoroughly read the attached local Sound Amplification Ordinance that details the permit procedures and guidelines for use of a sound amplification device.

Applicant Name: Yvonne Petit

Applicant Address: 834 WABASH
Carol Stream, IL 60188

Applicant Phone #: (630) 251-1809 Applicant e-Mail: Yvonne.Petit@Advocatehealthcare

Organization Name: Parents and Teens Together

Organization Address: 834 WABASH
Carol Stream, IL 60188

Organization Phone #: (630) 690-2461 Organization e-Mail: JPATT.org

Address Where Sound Amplifier Device Will Be Used:
Armstrong Park - North Pavilion #2

Description Of Purpose Or Event Where Sound Amplifier Device Will Be Used:
JP FUN RUN

Dates/Times For Which Use Of Sound Amplifier Device Is Requested:
August 31, 2008 FROM NOON TIL 6:00p.m.

PERMIT FEE:

\$25/day when used at a fixed location or in a moving vehicle.
Please return completed permit application and fee payment(s) to:



Village Manager's Office
Village of Carol Stream
500 N. Gary Avenue
Carol Stream, IL. 60188-1899
(630) 871-6250

PARENTS AND TEENS TOGETHER

Phone: (630) 690-2461

Fax: (630) 871-0952

E-Mail: Yvonne.Petit@advocatehealth.com



May 27, 2008

Dear Mr. Breinig,

On behalf of P.A.T.T. (Parents and Teens Together), we would like to ask that you waive the Sound Amplifier Permit Application fee of \$25. P.A.T.T. is a legal 501c(3) non for profit charitable organization.

Our mission is to address underage drinking in the Carol Stream community. We will work with our village partners to spearhead preventive community wide functions designed to promote the positives within our community. We will enable our young people to live long and healthy lives.

Our vision is to establish PATT as a long-term community asset. PATT will focus on the preventive aspect of underage drinking. PATT will be a source of information, a leader in the local community, and a participant for positive change.

On August 31st we are hosting our 4th Annual JP Fun Run. This fundraiser not only helps us to continue to support our local youth organizations but offers awareness to our community on the continuing problem of underage drinking.

We would like to thank you for your generosity and support and we hope that you join us on August 31st for lots of fun in the park.

Best Wishes,

Yvonne & Doug Petit
Parent and Teens Together, INC.

AGENDA ITEM

J-2 6-2-08

Village of Carol Stream Interdepartmental Memo

TO: Joseph E. Breinig, Village Manager
FROM: Terry Davis, Secretary *td*
DATE: May 28, 2008
RE: Request for Waiver of Fee for Sound Amplification Permit
Bridgeway Community Church

Bridgeway Community Church will be holding three "Church in the Park/Picnic in the Park" events at Community Park on the following Sundays: June 15, 2008, July 20, 2008 and August 17, 2008. In order to have music, applicant has submitted an application for a sound amplifier permit for these three dates with the hours of amplification to be from 10 am to 3 pm. They have also submitted the attached letter to the Board respectively requesting a waiver of the fee in connection with this permit.

Staff has confirmed that applicant has obtained the necessary permits from the Carol Stream Park District to use Community Park for these three events.

Please place this item on the agenda for the June 2, 2008 meeting for the Board's review and approval.

td
attachments

cc: Carol Stream Park District



Village of Carol Stream

Sound Amplifier Permit Application



Please thoroughly read the attached local Sound Amplification Ordinance that details the permit procedures and guidelines for use of a sound amplification device.

Applicant Name: Theresa Teachman

Applicant Address: _____

Applicant Phone #: (630) 830-5347 Applicant e-Mail: _____

Organization Name: Bridgeway Community Church

Organization Address: 370 So. Schmale Road
Carol Stream IL 60188

Organization Phone #: 630 668-9900 Organization e-Mail: bridgeway@sbcglobal.net

Address Where Sound Amplifier Device Will Be Used:
Community Park Thornhill Drive, C. Stream

Description Of Purpose Or Event Where Sound Amplifier Device Will Be Used:
Church service/picnic in park

Dates/Times For Which Use Of Sound Amplifier Device Is Requested:
10:00^{AM} - 3 pm 6/15/08, 7/20/08, 8/17/08
10 AM - 3 PM 10 AM - 3 PM 10 AM - 3 PM

PERMIT FEE: \$25/day when used at a fixed location or in a moving vehicle.
Please return completed permit application and fee payment(s) to:

Village Manager's Office
Village of Carol Stream
500 N. Gary Avenue
Carol Stream, IL. 60188-1899
(630) 871- 6250

Bridgeway

P.O. Box 88014
Carol Stream, Illinois 60188

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•
•
•
•

Community
Church

Phone: (630) 668-9900

Fax: (630) 668-9024

Carol Stream Village Legislative Board of Trustees

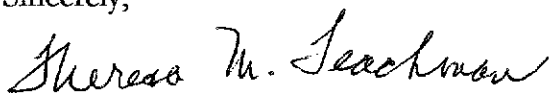
Through a partnership with the Outreach Community Center, Bridgeway Community Church has been conducting Sunday worship services at the Center for the last twelve years.

In the past, we have had events such as Easter Egg Hunts, Vacation Bible School during the summer, a Halloween party for the youth, spaghetti dinners, and helping families displaced due to fire and storms. This year we will have three 'Church in the Park/Picnic in the Park' events geared to reach out to folks in the vicinity of Community Park by inviting families out to enjoy free food and music. In doing so, we hope to develop relationships and build bridges of friendship.

For your consideration, we respectfully request a waiver of the Amplification Fee (\$25.00 per event) for the three events (6/15, 7/20, and 8/17) we will be holding throughout the summer months.

Thank you.

Sincerely,



Theresa M. Teachman
Office Manager
Bridgeway Community Church
bridgeway@sbcglobal.net
www.bwcc.org

J-3 6-2-08

Village of Carol Stream
Interdepartmental Memo

DATE: May 27, 2008
TO: Joseph E. Breinig, Village Manager
FROM: Christopher M. Oakley, Asst. to the Village Manager *CMO*
RE: 2008-09 Funding Request from the DuPage Senior Citizens Council

Since 2000, the Village Board has considered and approved an annual funding request from the DuPage Senior Citizens Council (hereinafter referred to as DPSCC) to assist in funding a small percentage of the total costs for the Senior Nutrition program (Meals on Wheels) support as well as Senior Chore program (Home Maintenance). The agency's 2008-09 funding appeal totals \$19,000 that includes \$17,700 (93.2%) for the Senior Nutrition program component and \$1,300 (6.8%) for the Senior Chore program. A summary of this funding request is as follows:

<i>Program Assumptions</i>	<i>Homebound Meals</i>	<i>Program Assumptions</i>	<i>Home Maintenance</i>
Est. # of 2008 Meals	10,500	Est. 2008 Repair Hours	20
Cost per Meal (\$8.00)	x \$ 3.50 (43%)	S/Labor Hour (\$120/Hr.)	x \$65 (54%)
Total	\$ 36,750	Total	\$ 1,300

In December of 2004 and 2006, you sent a letter informing former Exec. Directors Manual Ayala and Greg Weider that, due to limited financial resources in the general corporate fund, the Village has capped funding assistance to the DPSCC at \$8,410 a year. The DPSCC has experienced funding reductions from both the State (IL. Dept. on Aging) as well as the Federal Government (Health, Education & Welfare) over the past several years which significantly factors into their increased reliance on local funding sources. One issue you addressed with the former Executive Director Greg Weider is the limited role that township government plays in helping fund these important senior assistance programs and it is unclear whether their role as a funding partner has remained the same or expanded.

I have asked the agency's new Executive Director, Marilyn Krolak to be in attendance at the upcoming June 2nd Village Board meeting to present in person his agency's request and to answer any questions the Village Board may have regarding the agency's service mission to Carol Stream seniors.



Village of Carol Stream

500 N. GARY AVENUE • CAROL STREAM, ILLINOIS 60188-1899 • (630) 665-7050 • FAX (630) 665-1064
ROSS FERRARO, MAYOR • JANICE KOESTER, CLERK • JOSEPH E. BREINIG, MANAGER

December 3, 2004

Mr. Manual Ayala
Exec. Director
DuPage Senior Citizen Council
2200 S. Main Street
Lombard, IL. 60148-5366

RE: FY 05-06 Funding Support Request

Dear Manuel:


I am in receipt of your November 30th letter requesting \$ 12,855.50 as a fair share for funding assistance for the home-delivered meals and home maintenance programs sponsored by your agency. Your request is 53% additional than what was requested last year and 366% greater than what was requested in 2000, just four short years ago. The current FY05 Village budget includes \$8,408 to assist your agency in providing program services to Carol Stream seniors. The Village has no discretionary funds in its General Corporate Budget to make up the \$4,447. Like your agency, budgets are tight and the Village has gone to great lengths to balance its budget by freezing staff positions that become vacant as well as deferring needed capital projects.

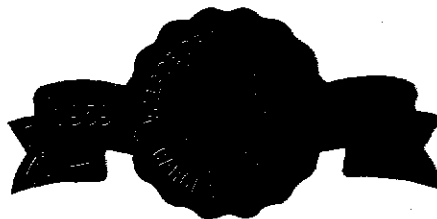
It is clear that support for your agency is inadequate thereby transferring the financial burden for funding these important senior services to others. Due to current economic conditions and budget constraints, we have reached the limits of what we are able to share with your agency in terms of funding assistance. However, I will inform the Mayor and the Village Board about the details of this year's funding request so they stay apprised of the continued increase in service demand from Carol Stream seniors as well as the cost to provide those necessary services.

I have asked Christopher Oakley from my staff to network your agency with both the local Rotary Club and the Carol Stream Ministerium of Churches so you might appeal to other local organizations that might make up the funding shortfall as you have done in Wheaton and in other towns your agency serves. We also would be glad to consider your agency during charitable fundraising effort by a local car club during the community's 2005 summer concert series.

Best wishes for a safe and relaxing holiday.

Sincerely,


Joseph E. Breinig
Village Manager



c: file copy



DUPAGE SENIOR CITIZENS COUNCIL

"Devoted To Enriching Senior Life" Est. 1975

www.dupageseniorcouncil.org

1919 S. Highland Avenue, Building A, Suite 210
Lombard, IL 60148-6162
Office (630) 620-0804 Fax (630) 620-1158

May 12, 2008

Joseph E. Breinig
Village Manager
Village of Carol Stream
500 N. Gary Ave.
Carol Stream, IL 60188



This letter is to extend our heartfelt thanks for being a staunch supporter of the DuPage Senior Citizens Council (DSCC). Your previous financial support has made it possible for DSCC to meet our mission by offering services that help seniors thrive in the community.

I am sure that by this time you have reviewed our current proposal for funding. Please let me know if there is any additional information we can provide to you at this time; or if there is a meeting scheduled that DSCC can attend that would provide you with first hand knowledge of how valuable our services are to the seniors in your community.

As our population continues to age, there will be an ever increasing need to assure that there are programs in place which enable seniors to remain healthy and in their homes, safely and with dignity. Your support is needed to make this possible.

Again, I thank you for your past support. Should you have any questions, please contact us at 630/620-0804. We look forward to meeting with City officials to answer questions they may have about our proposal.

Sincerely,

Marilyn Krolak
Acting Executive Director

Enclosure



DUPAGE SENIOR CITIZENS COUNCIL

"Devoted To Enriching Senior Life" Est. 1975

www.dupageseniorcouncil.org

1919 S. Highland Avenue, Building A, Suite 210
Lombard, IL 60148-6162
Office (630) 620-0804 Fax (630) 620-1158

February 21, 2008

Frank Saverino, Mayor
Village of Carol Stream
500 North Gary Avenue
Carol Stream, Illinois 60188

COBY



Dear Mayor Saverino,

On behalf of the DuPage Senior Citizens Council (DSSC), thank you for your support of the programs that help seniors maintain their best possible health, lessen the fear of isolation, and ensure a safe, functional, and healthy environment. This letter and proposal is to ask for your funding for the upcoming fiscal year.

DSSC is requesting funding from the Village of Carol Stream to meet the expense of operating our Senior Nutrition and Home Maintenance Programs. The continued growth of these programs, coupled with the increased senior population, clearly demonstrates that seniors need a reliable source they can turn to for assistance. We are asking you to contribute **\$19,000** to underwrite the unfunded expense of serving senior residents in your village.

We appreciate your consideration and support of our request for \$19,000 for these important programs in your current fiscal budget. Your community's support is vital in our efforts to help seniors remain in their homes in a manner that promotes health, safety, independence and dignity.

Should you need any additional information, please contact me at (630) 620-0804. We look forward to your response.

Sincerely,

Marilyn Krolak
Acting Executive Director

cc: Joseph E. Breining, Village Manager

DuPage Senior Citizens Council
Proposal for Senior Nutrition & Home Maintenance Programs
to
Village of Carol Stream

Mission Statement

The DuPage Senior Citizens Council (DSCC) initiates, delivers, monitors, and coordinates services, which promote the ability of older persons to live their lives in dignity.

DSCC History

DSCC is a community-based, not-for-profit agency that is devoted to enriching senior life. Since 1975, DSCC has offered many programs and services to help ensure that DuPage County older adults have the best possible physical and mental health, as well as, suitable housing.

Since 1983, DSCC has operated a Nutrition Program from various locations throughout DuPage County. DSCC distributes more than 330,000 meals a year to over 3,200 seniors thanks to our donors and volunteers. We provide nutritionally balanced meals to seniors on a daily basis through the Community Dining Program and Home Delivered Meal Program, commonly referred to as "*Meals on Wheels*". Anywhere from 1,000 to 1,300 meals are served daily to frail homebound seniors by caring staff and volunteers who not only serve or deliver the meals, but also check on their "well-being", alerting staff, family or authorities to any observed health changes.

In 1990, DSCC created the Home Maintenance Program to provide home maintenance and repair services to seniors. The Minor Home Repair service supplies competent, reasonably priced service technicians to handle minor home repairs. Our technicians inspect seniors' homes and can install any needed upgrades to make it suitable for senior living. All of our service technicians are pre-screened, qualified and supervised. To help seniors with larger repair jobs, DSCC offers a Contractor Referral service that provides pre-screened, outside contractors who can do the work, often at a discounted rate.

Objective

DSCC is striving to meet several important objectives through its programs. It has been a long-standing priority of DSCC to serve all DuPage seniors who need our services. All of our programs help seniors maintain their best possible health, lessen the isolation and fear experienced by many elderly, and ensure a safe, functional, and healthy living environment. These programs serve a double purpose: they simultaneously benefit seniors who require assistance, while benefiting your community's infrastructure.

Program Cost

During the upcoming year, FY08/09, it will cost DSCC \$2,467,825 to operate its various programs. While a significant portion of the cost is currently covered in part by senior donations, Federal/State grants and the United Way, the remaining funding for meeting the costs of the program must be raised from other sources such as yourselves. We are happy to say that through 90% of the municipalities within DuPage County fully support and underwrite their fair share of our valuable programs.

Community Need/Benefits

DuPage County has experienced significant increases in its senior population. Many older people need assistance in order to maintain their health and independence. This is particularly true for those seniors who are frail and have little or no family living near them. The DSCC Nutrition and Home Maintenance Programs address these needs by providing seniors the assistance they need in order to remain a part of the community many have lived in for their entire life.

DSCC is requesting funding from the Village of Carol Stream to help meet the unfunded expense of operating its Senior Nutrition and Home Maintenance Programs. The continued growth of these programs clearly demonstrates that seniors need a reliable source they can turn to for assistance. If DSCC did not operate these programs, each community would either be unable to assist their seniors or they would need to replicate and fund a similar program on their own. By supporting our programs, municipalities have these valuable services available for their residents for a fraction of the cost.

The programs offered by DSCC strive to preserve the independence of seniors by helping them to avoid premature institutionalization, maintain their best possible health, and lessen their fear of isolation. We provide seniors with the assistance they need so that they may continue to live in a safe, functional, and healthy environment.

Service Provided to Carol Stream Seniors

During the last fiscal year, approximately 85 senior residents of Carol Stream benefited from the DSCC Nutrition Program and received approximately 11,600 well-balanced meals. Another component to this program is our "Well-Being" check – an added benefit that is performed by our meal delivery staff and volunteers. This service ensures that a community's most fragile elderly are seen and tended to in case of an emergency. Our staff and volunteers are trained to watch for signs of problems and how to respond if they find a senior in distress.

DSCC also assisted 15 of your senior homeowners through our Home Maintenance Program. This included installation of safety equipment, assessments, referrals, but

mostly actual minor home repairs. Proper home maintenance helps keep the value of these homes comparable to neighboring homes, thereby keeping the value of neighboring homes as high as possible.

Request

DSCC is requesting funding from the Village of Carol Stream to help meet the unfunded expense of operating our Senior Nutrition and Home Maintenance Programs. The continued growth of these programs, coupled with the increased senior population clearly demonstrates that seniors need a reliable source they can turn to for assistance. We are asking you to contribute as much as possible to underwrite the cost of serving senior residents within the boundaries of your village.

Nutrition Program:

During the upcoming fiscal year, it will cost the DSCC over \$8.00 to deliver and serve a single meal to a needy senior. We can count on major funding sources to cover approximately \$4.00 of that unit cost. DSCC must raise the additional dollars through underwriters such as you.

Senior residents within the boundaries of the Village of Carol Stream were served over 10,500 meals during the past 12 months. The average donation directly from, or on behalf of those seniors we served in Carol Stream was \$.50 per meal. We can only hope that the continued rising costs of living expenses for seniors does not drive the average donation amount substantially lower. If all things remain equal, at \$8.00 per meal, the cost gap to serve your senior residents is anticipated to be \$36,750 during this upcoming year for the Nutrition Program alone.

<u>Summary</u>	
10,500 meals X \$8.00 =	\$84,000
Confirmed other funding=	(\$42,000)
Anticipated Senior Donations=	(\$ 5,250)
 Carol Stream Cost Gap	 \$36,750

Home Maintenance Program:

The cost of the Home Maintenance Program is anticipated to be \$125 per hour to provide Home Maintenance service to senior homeowners. Funds from other sources cover \$20 per hour. We receive approximately \$40 per hour for our services directly from or on behalf of the senior homeowners. The total from these sources is \$60 per hour, which still leaves a cost-gap of \$65 per hour. DSCC provided 20 hours of Home Maintenance services to Carol Stream seniors. The cost gap for the Home Maintenance Program for Carol Stream seniors is anticipated to be \$1,300 for the upcoming fiscal year.

Summary

20 service hours X \$125. =	\$2,500
Confirmed other funding=	(\$ 400)
Anticipated Senior Donations=	<u>(\$ 800)</u>
 Carol Stream Cost Gap	 \$ 1,300

We appreciate your consideration and support of our request for funds for these important programs in your current fiscal budget. The total cost gap is \$38,050; our request this year is for **\$19,000** - approximately one-half of the total cost gap. Your community's support is vital in our efforts to help seniors remain in their homes in a manner that promotes health, safety, independence and dignity.

Thank you!

DuPage Senior Citizen Council - Funding History

<u>Year</u>	<u>Requested</u>	<u>% Yearly Inc.</u>	<u>Approved</u>	<u>% Approved</u>
1999	\$ 4,039		\$ 4,039	100%
2000	\$ 4,711	14%	\$ 4,711	100%
2001	\$ 5,244	10%	\$ 5,244	100%
2002	\$ 4,946	-6%	\$ 4,946	100%
2003	\$ 7,973	38%	\$ 7,973	100%
2004	\$ 9,128	13%	\$ 8,408	92%
2005	\$ 12,855	29%	\$ 8,408	65%
2006	\$ 15,636	18%	\$ 8,408	54%
2007	None Requested			
2008	<u>\$ 19,000</u>			
TOTALS	\$ 83,532	370%	\$ 52,137	

AGENDA ITEM
K-1 6-2-08

<u>VENDOR NAME</u>	<u>AMOUNT</u>	<u>ACCT #</u>	<u>ACCT DESCRIPTION</u>	<u>INVOICE</u>	<u>PO NUMBER</u>
ADVANCED DESIGN					
BIKE RODEO DESIGNS	125.00	01664764 53325	COMMUNITY RELATIONS	1506	
	<u>125.00</u>				
AMERICAN ADMINISTRATIVE GROUP					
FLEX SPENDING ADMIN MAY	230.55	01600000 52273	EMPLOYEE SERVICES	16879	
	<u>230.55</u>				
AMERICAN PUBLIC WORKS ASSOCIATION					
CLASS MATT YORK OCT 5-10	650.00	01670100 52223	TRAINING	IPSI BASIC	
	<u>650.00</u>				
ANCEL GLINK DIAMOND BUSH DICIANNI & MONTHLY LEGAL SERVICE					
	7,192.74	01570000 52238	LEGAL FEES	MAY 14TH	20080072
	<u>7,192.74</u>				
AVALON PETROLEUM COMPANY					
FUEL TANK COVER	47.50	01696200 52284	EQUIPMENT MAINTENANCE	012060	
GAS PURCHASES FOR FY 2009	23,920.69	01696200 53356	GAS PURCHASED	522830	20090009
	<u>23,968.19</u>				
C S FRATERNAL ORDER OF POLICE					
WHEELS OF JUSTICE LUNCHES	395.00	01664774 53325	COMMUNITY RELATIONS	0524	
	<u>395.00</u>				
CHRISTOPHER B BURKE ENGR LTD					
STORMWATER PLAN REVIEWS	596.00	01621900 52253	CONSULTANT	78722	20080045
STORMWATER PLAN REVIEWS	1,876.50	01621900 52253	CONSULTANT	78723	20080045
	<u>2,472.50</u>				
COMED					
SERV FOR 4/10 - 5/08	37.38	06320000 52248	ELECTRICITY	1083101009 4	
SERV FOR 4/21 - 5/20	124.50	06320000 52248	ELECTRICITY	6675448009 5	
SERV FOR 4/22 - MAY 21	15.70	06320000 52248	ELECTRICITY	7219135017 5	
SERV FOR 4/23 - 5/22	46.61	01670600 52248	ELECTRICITY	5838596003 5	
SERV FOR APRIL 10 - MAY 8	21.86	01670600 52248	ELECTRICITY	68277210000 4	
SERV FOR APRIL 19 - MAY 19	106.51	01670600 52248	ELECTRICITY	6337409002 5	
SERV FOR APRIL 19 - MAY 19	270.42	06320000 52248	ELECTRICITY	6213120002 5	
SERV FOR APRIL 21 - MAY 20	13.87	01670600 52248	ELECTRICITY	1865134015 5	
SERV FOR APRIL 21 - MAY 20	13.87	01670600 52248	ELECTRICITY	4483019016 5	

<u>VENDOR NAME</u>	<u>AMOUNT</u>	<u>ACCT #</u>	<u>ACCT DESCRIPTION</u>	<u>INVOICE</u>	<u>PO NUMBER</u>
SERV FOR APRIL 21 - MAY 20	5,223.43	06320000 52248	ELECTRICITY	4863004008 5	
SERV FOR APRIL 21-MAY 20	13.87	01670600 52248	ELECTRICITY	0803155026 5	
SERV FOR APRIL 21-MAY 21	67.29	06320000 52248	ELECTRICITY	0030086009 5	
SERV FOR APRIL 21-MAY 21	76.96	06320000 52248	ELECTRICITY	3153036011 5	
SERV FOR APRIL 21-MAY 21	92.19	06320000 52248	ELECTRICITY	1353117013 5	
SERV FOR APRIL 21-MAY 21	92.30	06320000 52248	ELECTRICITY	6597112015 5	
	<u>6,216.76</u>				
CONSTELLATION NEW ENERGY					
SERV FOR 04/21- 5/19	560.40	04201600 52248	ELECTRICITY	0300009027 5	
SERV FOR 4/19 - 5/18	27.56	04201600 52248	ELECTRICITY	2514004009 5	
SERV FOR 4/19 - 5/18	433.01	04101500 52248	ELECTRICITY	2496057000 5	
SERV FOR 4/19-5/18	1,687.61	04101500 52248	ELECTRICITY	3054113024 5	
SERV FOR 4/19-5/19	57.60	01680000 52248	ELECTRICITY	2073133107 5	
SERV FOR 4/22 - 5/19	2,239.87	04201600 52248	ELECTRICITY	3963097040 5	
SERV FOR 4/23 - 5/20	147.99	04101500 52248	ELECTRICITY	0291093117 5	
	<u>5,154.04</u>				
COUNTY CLERK					
2006/07 CERTIFICATIONS	8.00	01580000 52233	RECORDING FEES	RO8-029	
	<u>8.00</u>				
DUPAGE ANIMAL CONTROL					
ANIMAL CONTROL -APRIL	450.00	01662700 52249	ANIMAL CONTROL	174 13772	
	<u>450.00</u>				
DUPAGE CO TREASURER					
ROAD CLOSURE PERMIT-4TH OF JU	50.00	01750000 52291	MISC EVENTS/ACTIVITIES	JUL 4 PARADE	
	<u>50.00</u>				
DUPAGE COUNTY HUMAN SERVICES					
NW COUPONS 582140-582739	3,000.00	01520000 52250	DIAL-A-RIDE	635	
	<u>3,000.00</u>				
EXAMINER PUBLICATIONS INC					
ADS SUMR CELEBR, TOYS FOR TOT	80.00	01750000 52291	MISC EVENTS/ACTIVITIES	10131858	
ADS SUMR CELEBR, TOYS FOR TOT	180.00	01750000 52287	SUMMER IN THE CENTER	10131858	
	<u>260.00</u>				
F L HUNTER & ASSOCIATES INC					
POLYGRAPH-PREVENTION SP APPL	140.00	01600000 52228	PERSONNEL HIRING	26738	
	<u>140.00</u>				
FEDEX					
INV SUMM MAY 21	29.76	01650100 52229	POSTAGE	2 714 56915	
INV SUMMARY MAY 14	92.38	01650100 52229	POSTAGE	2 701 18538	

<u>VENDOR NAME</u>	<u>AMOUNT</u>	<u>ACCT #</u>	<u>ACCT DESCRIPTION</u>	<u>INVOICE</u>	<u>PO NUMBER</u>
	<u>122.14</u>				
FOURTH OF JULY PARADE COMMITTEE DONATION FOR 2008 PARADE	17,831.00	01750000 52291	MISC EVENTS/ACTIVITIES	08 DONATION	
	<u>17,831.00</u>				
GEXPRO STREET LIGHT BULBS	947.28	06320000 53345	STREET SUPPLIES	265 652598	
STREET LIGHT BULBS	3,642.66	06320000 53345	STREET SUPPLIES	265 654293	
	<u>4,589.94</u>				
IPAC 2008 MEMBERSHIP DUES-WILLING	50.00	01660100 52234	DUES & SUBSCRIPTIONS	04/22/08	
	<u>50.00</u>				
IPELRA PUBLIC SAFETY UPDT-C REBHOLZ	50.00	01600000 52223	TRAINING	REGIS FEE	
	<u>50.00</u>				
ILLINOIS CITY COUNTY MANAGEMENT ASSN J BREINIG MEMBERSHIP RENEWAL	383.00	01590000 52234	DUES & SUBSCRIPTIONS	08/09 MEMBERSHIP	
MEMBERSHIP DUES-C OAKLEY	178.00	01650100 52234	DUES & SUBSCRIPTIONS	MEMBERSHIP DUES	
	<u>561.00</u>				
KANSAS STATE BANK VOICE LOGGER MTC JUNE	253.00	01660100 52226	OFFICE EQUIPMENT MAINTENAN	PAYMENT 42	
	<u>253.00</u>				
MATTHEW HARRISON IJOA CONF 6/10 - 13	98.00	01662400 52223	TRAINING	MEALS	
	<u>98.00</u>				
MICHAEL ZOCHERT WIU STAFF AND COMMAND SCHOOL	245.00	01662700 52223	TRAINING	MEALS	
	<u>245.00</u>				
MORONI & HANDLEY PROF SERV FOR APRIL	2,800.00	01570000 52235	LEGAL FEES-PROSECUTION	MAY 19TH	
	<u>2,800.00</u>				
MUNICIPAL CLERKS OF DUPAGE CO MELODY, PROGAR JUNE08-MAY09	35.00	01580000 52234	DUES & SUBSCRIPTIONS	MEMBERSHIP RNWL	
	<u>35.00</u>				
NORTHERN ILLINOIS UNIVERSITY GIS DESIGN & IMPLEMENTATION FC	15,914.00	01650100 52253	CONSULTANT	43008	20080184
	<u>15,914.00</u>				
NORTHWEST POLICE ACADEMY MEMB RNWL K ORR, R WILLING	50.00	01660100 52234	DUES & SUBSCRIPTIONS	YR 2008/09	

<u>VENDOR NAME</u>	<u>AMOUNT</u>	<u>ACCT #</u>	<u>ACCT DESCRIPTION</u>	<u>INVOICE</u>	<u>PO NUMBER</u>
	<u>50.00</u>				
OHIO CALIBRATION LABORATORIES					
SPEED LASER MTC SRL#UX015024	261.50	01662300 52227	RADIO MAINTENANCE	5063	
	<u>261.50</u>				
ONESTI ENTERTAINMENT CORP					
SUMMER IN THE CENTER FESTIVAL	76,050.00	01750000 52287	SUMMER IN THE CENTER	5344	20090032
	<u>76,050.00</u>				
REFUNDS MISC					
DAMAGED MAILBOX FRM CONSTR	128.09	11740000 55486	ROADWAY CAPITAL IMPROVEME	MAILBOX RPLMNT	
	<u>128.09</u>				
ROBERT WHITE					
FALL CLASS FY 0708	5,631.64	01662700 52223	TRAINING	TUITION REIMBR	
TUITION REIMB FOR FY 07/08	5,531.05	01662700 52223	TRAINING	TUITION REIMB	
	<u>11,162.69</u>				
ST AUBIN NURSERY & LANDSCAPING INC					
TREE PLANTING AGREEMENT YEAR	42,500.00	01670700 52268	TREE MAINTENANCE	2596	20090008
	<u>42,500.00</u>				
STAN HELGERSON					
JANESVILLE IL CONF IGFOA	18.75	01610100 52223	TRAINING	IGFOA -REIMB	
JANESVILLE IL CONF IGFOA	65.65	01610100 53313	AUTO GAS & OIL	IGFOA -REIMB	
	<u>84.40</u>				
STEPHEN CADLE					
FISCAL YR 08-09	879.39	01662400 52223	TRAINING	TUITION REIMB	
	<u>879.39</u>				
THEODORE POLYGRAPH SERVICE					
POLYGRAPH-POLICE OFFCR CAND	125.00	01510000 52228	PERSONNEL HIRING	16551	
	<u>125.00</u>				
THOMAS F HOWARD JR					
LEGAL SRVS FOR APRIL	7,875.00	01570000 52235	LEGAL FEES-PROSECUTION	143	
	<u>7,875.00</u>				
TYLER TECHNOLOGIES INC					
PAYABLE & PAYROLL CHG IN BNK	180.00	01610100 54413	COMPUTER EQUIPMENT	129458	
	<u>180.00</u>				
UNI MAX MANAGEMENT CORP					
SRVS FOR MARCH	1,087.50	01670100 52276	JANITORIAL SERVICES	1774	
SRVS FOR MARCH	3,262.50	01680000 52276	JANITORIAL SERVICES	1774	
	<u>4,350.00</u>				
WHEELER & ASSOCIATES					

VENDOR NAME

AMOUNT

ACCT #

ACCT
DESCRIPTION

INVOICE

PO NUMBER

RAIN INSURANCE FOR 2008 SUMME

2,788.00

01750000 52287

SUMMER IN THE CENTER

JUN 5-8

20090007

2,788.00

239,295.93

The preceding list of bills payable totaling \$239,295.93 was reviewed and approved for payment.

Approved by:



Joseph E Breinig – Village Manager

Date: 5/30/08

Authorized by:

Frank Saverino Sr. - Mayor

Beth Melody – Village Clerk

Date: _____

AGENDA ITEM

K-2 6-2-08

ADDENDUM WARRANTS May 20, 2008 thru June 2, 2008

Fund	Check #	Vendor	Description	Amount
General	A C H	Oak Brook Bank	Payroll May 5, 2008 - May 18, 2008	479,754.16
Water & Sewer	A C H	Oak Brook Bank	Payroll May 5, 2008 - May 18, 2008	30,564.96
General	A C H	Ill Funds	Dupage Water Commission - April 2008	<u>128,758.77</u>
				<u>639,077.89</u>

Approved this _____ day of _____, 2008

By: _____
Frank Saverino, Sr. - Mayor

Beth Melody, Village Clerk

VILLAGE OF CAROL STREAM **AGENDA ITEM**
REVENUE / EXPENDITURE STATEMENT *L-4 6-2-08*
FOR 12 MONTHS ENDED APRIL 30, 2008

FUND	REVENUE			EXPENDITURES			NET MONTHLY REV. - EXPEND.
	BUDGET	MONTH	Y.T.D.	BUDGET	MONTH	Y.T.D.	
GENERAL CORPORATE	24,779,626	1,704,368.07	23,867,952.43	24,125,055	1,552,736.16	21,559,667.59	151,631.91
WATER & SEWER O/M	9,271,813	571,383.94	8,134,627.31	8,185,042	535,044.06	7,089,673.33	36,339.88
MOTOR FUEL TAX	2,828,698	96,197.49	1,258,488.46	2,828,698	87,466.08	2,545,924.84	8,731.41
GENERAL CORPORATE - CIP	6,260,000	(35,028.65)	2,499,296.52	6,260,000	0.00	892,228.03	(35,028.65)
GENEVA CROSSING - TIF	551,093	2,258.99	532,771.19	406,773	0.00	373,777.73	2,258.99
TOTAL	43,691,230.00	2,339,179.84	36,293,135.91	41,805,568.00	2,175,246.30	32,461,271.52	163,933.54

FISCAL BASIS

EARNED/MONTH		EARNED/YEAR-TO-DATE			COLLECTIONS
FY 07	FY 08	FY 07	FY 08		

SALES TAX	460,509.71	466,190.18	4,749,236.53	4,752,777.77	JAN 2008
HOME RULE SALES TAX	165,485.52	161,896.25	1,698,104.23	1,688,206.14	JAN 2008
UTILITY TAX - COM ED	161,172.35	147,979.90	1,820,976.97	1,852,480.85	MAR 2008
UTILITY TAX - TELECOM.	178,522.49	141,973.54	1,377,864.56	1,435,124.14	JAN 2008
USE TAX -NATURAL GAS	99,188.68	94,615.42	530,552.65	554,572.62	MAR 2008
INCOME TAX	201,564.96	240,805.38	2,300,079.59	2,530,194.54	JAN 2008

BILLINGS/MONTH		BILLINGS/YEAR-TO-DATE	
FY 07	FY 08	FY 07	FY 08

WATER	248,327.02	272,937.34	3,769,279.07	3,811,503.92
SEWER	159,707.23	175,421.20	2,460,146.07	2,485,286.52

CASH RECEIPTS/MONTH		CASH RECEIPTS/YEAR-TO-DATE	
FY 07	FY 08	FY 07	FY 08

WATER & SEWER	467,812.79	461,600.17	6,357,577.56	6,349,373.38
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The Village is on an accrual basis of accounting and financial reporting. This report is for ease of understanding, on a cash basis, which recognizes revenues when collected and expenditures when made.

**VILLAGE OF CAROL STREAM
BALANCE SHEET**

April 30, 2008

FUND	CASH	INVESTMENTS	OTHER ASSETS	TOTAL ASSETS	LIABILITIES	ADJ.FUND BAL	LIAB. & EQUITY
GENERAL CORPORATE	1,468,762.15	20,048,871.47	4,586,651.24	26,104,284.86	3,907,436.85	22,196,848.01	26,104,284.86
WATER & SEWER	487,107.53	15,069,867.27	46,160,158.45	61,717,133.25	8,461,910.42	53,255,222.83	61,717,133.25
MOTOR FUEL TAX	3,524.57	1,247,118.97	108,413.82	1,359,057.36	104,259.14	1,254,798.22	1,359,057.36
GENERAL CORPORATE - CIP		17,685,172.75	576,614.09	18,261,786.84	4,713.33	18,257,073.51	18,261,786.84
GENEVA CROSSING - TIF*	991,324.15	0.00	86,254.29	1,077,578.44	0.00	1,077,578.44	1,077,578.44
TOTAL	2,950,718.40	54,051,030.46	51,518,091.89	108,519,840.75	12,478,319.74	96,041,521.01	108,519,840.75

* Funds invested in JP Morgan Bank money market fund.