

ORDINANCE NO. 98- 3

Ordinance establishing rules, regulations, restrictions, or requirements relating to governing the installation, operation, maintenance, management, connection to, and use of the stormwater drainage and detention system owned or operated by the Mill Creek Water Reclamation District.

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**ARTICLE I: PERMIT REGULATIONS**

SECTION 1. AUTHORIZATION AND PURPOSE

The Board of Trustees (the "Board of Trustees") of the Mill Creek Water Reclamation District (the "District") hereby enacts this Stormwater Drainage and Detention Ordinance (the "Ordinance"). This Ordinance establishes additional rules, regulations, restrictions, and requirements controlling the installation, use, maintenance, and management of the complete stormwater drainage and detention facilities and lands appurtenant thereto owned by the District in the County of Kane, Illinois (the "County") and provides penalties for violations and the levying of charges for services.

The purpose of this Ordinance is to diminish threats to public health, safety, and welfare caused by runoff of excessive stormwater from the Development (as defined below). This excessive stormwater could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources. As such, this Ordinance regulates these activities to prevent adverse impacts.

Among other things, this Ordinance is adopted to accomplish the following objectives:

- (a) To assure that new buildings and major improvements to buildings do not increase the drainage or flood hazards to others, or create unstable conditions susceptible to erosion;
- (b) To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff;
- (c) To protect human life and health of occupants in the Development from the hazards of increased flooding or excessive stormwater runoff;
- (d) To protect, conserve, and maintain the orderly use of land and water resources in the Development;
- (e) To preserve the natural hydrologic and hydraulic functions of watercourses and floodplains and to protect water quality and aquatic habitats; and
- (f) To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide aesthetic benefits, and enhance the quality of life of residents in the Development.

## SECTION 2. DEFINITIONS

The words and phrases as used in this Ordinance will have meanings as defined in the *Construction Design Standards* unless the context clearly indicates a different meaning.

## SECTION 3. APPLICABILITY

This Ordinance shall apply to any person, owner, Lot, and/or property within the Development except for Lots which with the approval of the District provide their own stormwater management systems that provide all detention, treatment, and maintenance wholly on the Lot and do not discharge any stormwater through the District's facilities.

## SECTION 4. PROHIBITED DISCHARGES AND ACTIVITIES

No person shall discharge or cause to be discharged any substances into the Stormwater Drainage System other than natural stormwater, surface water, or groundwater such as through downspouts, roof drains, yard drains, fountains, ponds, or sump pumps. No person shall discharge or cause to be discharged into the Stormwater Drainage System any industrial wastes, domestic sewage, trash or garbage, water treatment or softener backwash, or any waters, wastes, materials, or other substances that could injure, harm, endanger, or have an adverse effect on the Stormwater Drainage System, life, limb, or public or private property.

## SECTION 5. COMPLIANCE WITH STANDARDS

All storm sewer pipes, appurtenances, and connections shall comply with and be installed in accordance with the provisions of the *Illinois Plumbing Code*, current edition, published by the Illinois Department of Public Health, Springfield, Illinois, and the *Standard Specifications for Water and Sewer Main Construction in Illinois*, current edition, published by The Illinois Society of Professional Engineers, et al., Springfield, Illinois.

## SECTION 6. SERVICE CONNECTION APPLICATIONS

A service connection application must be submitted to and approved by the District, and any applicable tap-on or connection fee, if any, must be paid to the District before any sump pump connection or any other connection to the Stormwater Drainage System is commenced and before any stormwater may be discharged into the Stormwater Drainage System. The application shall be filed with the Director at least on (1) week before such connection is made. The name, address, and telephone number of the Lot owner to be billed for any user fees shall be included on the application. A tap-on or connection fee shall be charged for making a service connection for all properties served by the District with sump pumps or similar equipment or devices which discharge stormwater into the District's facilities or onto lands appurtenant thereto.

## SECTION 7. PERMIT REQUIRED

(a) No construction work, including excavation, shall be commenced within or without the Development on any improvements, structures, building, projects, sewer lines, sewer extension, or any pipes, mains or other conduits which will discharge directly or indirectly into the Stormwater Drainage System unless and until a permit application for construction has been approved, a construction permit has been issued upon the payment of the applicable plan review fees, and all other fees and documentation required by the District have been submitted to the District. The

construction, maintenance, and repair of all sewer mains, lines, pipes, drains, and conduits shall be subject to the approval of the District Engineer and/or Director, and no such sewer mains, lines, pipes, drains, or conduits can be constructed or placed in service that do not meet the construction and design standards of this Ordinance.

(b) No person shall cause excess stormwater to be discharged from property in the District. No person shall install equipment, devices, pipes, or other facilities which discharge stormwater into the District's facilities or onto lands appurtenant thereto without a permit issued by the Director. Permits may be issued by the Director after determining that all of the requirements of this Ordinance have been or where applicable will be met or otherwise satisfied prior to the proposed connection.

## SECTION 8. PERMIT REQUIREMENTS

Permits shall be issued after application to the Director, when the applicant meets the following conditions:

(a) New construction. Permits for new construction will be issued only after the following conditions have been met.

- (1) A formal written application is fully and accurately completed and filed with and approved by the District on a form provided by the Director and in accordance with subsection (b) below.
- (2) Where necessary to comply with the terms of this Ordinance or the requirements of the Director, the Director shall inspect and approve the installation of any stormwater drainage facility equipment.
- (3) The applicant must sign an agreement to pay any surcharges required by the terms of this Ordinance or the User Fee Rate Ordinance; agree to operate and maintain at the applicant's cost any pretreatment or stormwater storage facilities required to comply with the terms of this Ordinance; agree to any and all inspections, observations, measurements, sampling, testing, and corrective actions as may be required by the Director during the entire period when a permit is in force; agree to reimburse the District for any and all costs which the District incurs to ensure that the facilities are properly operated and maintained; and further agree to provide utility and drainage easements and other forms of access to allow the Director access to and from the Lots served by the District for the purpose of operating, maintaining, inspecting, replacing, improving, or monitoring any and all of the Stormwater Drainage System including the sump pump connection and service pipe on the Lot.
- (4) No construction shall commence on any buildings, improvements, or facilities without prior written approval of the application by the Director.

(b) Permit issuance. A permit for connection issued under authority of this Ordinance shall not become effective until the installation of all required facilities is completed to the satisfaction of the Director. The Director shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the District when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of written notice by the District.

(c) Violations--Stop Order. Any sewer constructor or plumber licensed by the State of Illinois or any sewer builder or drain layer who has obtained a permit under this Ordinance shall be subject, at the election of the District, to have his certificate of approval revoked or a Stop Order issued with respect to any project, work, or improvements. Upon revocation of such certificate or the issuance of a Stop Order, said sewer constructor, plumber, sewer builder, or drain layer shall be required to reapply to the District for a certificate of approval or be further prevented from performing any construction, maintenance, or other work on facilities in the Development. Any person who shall continue work in violation of a Stop Order shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation of a Stop Order occurs or continues.

(d) Procedure for renewal of permits. The renewal of the permit is not automatic. Each nonresidential user shall be required to apply for a renewal of an annual permit. The Director shall establish that there have been no substantial changes in the management of stormwater into the Stormwater Drainage System. If there have been changes, the user shall furnish detailed information as to the changes and what modifications are being undertaken by the user to bring the stormwater discharge into compliance with its original design criteria should the change be determined by the Director to be adverse to the Stormwater Drainage System and therefore in violation of this Ordinance. If no action has been undertaken by the owner/user to correct the violation within fourteen (14) days after the District has delivered a written notice that such a violation exists, the District may elect to either revoke the permit to discharge into the Stormwater Drainage System or fine the owner/user in the amount of not less than one hundred dollars (\$100.00) for each day the violation exists after the fourteen (14) day notice expires. A permit renewal shall not become effective until the Director is satisfied that all conditions described herein have been met, at the applicant's cost, and has issued a signed renewal permit form.

(e) Any legal fees incurred by the District for preparation or review of documents required in conjunction with any plan review, inspection or connection, maintenance or repair obligations, or annexation or other agreement between the District and the applicant shall be paid by the applicant prior to connection.

## SECTION 9. REPAIRS

(a) All repairs for sump pump connection(s) from the premises to but not including the sump pump drain pipe wye or tee, sump pump junction box, storm sewer, culvert, inlet, or manhole shall be made by, and at the expense of the owner of the premises served. The District may, in case of an emergency, repair any said facilities and is hereby granted access to the premises for the purpose of completing such repairs. The cost of such repair work shall be the owner's responsibility and shall be paid or repaid (as the case may be) to the District by the owner of the premises served promptly upon receipt of an invoice or statement therefor.

(b) Any leaks or defects in the sump pump drain pipe(s), sewers, lines, or conduits shall be promptly repaired by the owner of the premises served thereby in compliance with the terms of this Ordinance. If leaks or defects develop on any existing pipes, mains, or conduits that do not comply with the requirements of this Ordinance, such items shall be replaced with pipes, sewers, mains, or conduits that do meet the requirements hereof. In the event that the owner of any property fails to maintain such pipes, sewers, mains, or conduits, or to repair any leaks or defects promptly upon notice from the District to do so, then in addition to any other remedies available to the District, service to such premises (including water service) may be shut off by the District and not turned on until such leak or defect has been repaired and any expense incurred by the District in connection therewith has been paid by the owner, occupant, or user.

(c) The District shall not be liable for any damage caused by a leak or break in any service pipe or for any other damage caused by a failure to repair the same promptly. Similarly, the District shall not be liable for any damage caused by or in connection with the repair or installation of such pipes.

SECTION 10. NONPAYMENT

(a) In conjunction with the adoption of this Ordinance, the District is adopting ordinances relating to the District's water supply and distribution system ("Water Supply System"), wastewater reclamation and reuse and sewerage collection system ("Wastewater System"), and the User Fee Rate Ordinance relating thereto. The District shall operate the Water Supply System and Wastewater System in addition to, and in conjunction with, the Stormwater Drainage System.

(b) Since the operation of each system is related to the operation of the other systems and since the User Fee Rate Ordinance establishes combined user fees to cover the District's operation of all such systems, failure to pay any charge, assessment, or fee due under the User Fee Rate Ordinance shall be in violation of this Ordinance. In the event that any combination water, sanitary sewer, and stormwater management bill remains unpaid for a period of ninety (90) days after the bill is rendered and mailed, in addition to any other rights or remedies available to the District hereunder or under applicable law, the District shall have the right to shut off the water supply to any such premises. The water supply also may be shut off to any premises for which a reimbursement for inspections, sampling, testing, or correcting deficiencies made by the District (or any other charges due under this Ordinance or the User Fee Rate Ordinance) remains unpaid for a period of ninety (90) days after a bill for said reimbursement is rendered and mailed to the last known address of the owner. When shut off, water shall not be turned on except upon the payment of the unpaid bill plus penalty charges, if any.

SECTION 11. ABANDONED FACILITIES

Whenever any storm sewer, pipe, or storage or treatment facility is abandoned because the building which the facilities served have been abandoned, destroyed, or removed, the Director may remove the said facilities and any pipe or connections in the right-of-way or easement, and cap, plug, or otherwise seal the pipe. Before taking any such steps, the Director shall notify the owner of the property. Such notice shall be made by mail to the last known address of the owner, at least thirty (30) days before any action is taken under this section.

**ARTICLE II: STORMWATER BEST MANAGEMENT PRACTICE REQUIREMENTS**

SECTION 1. STORMWATER MANAGEMENT PLAN

The District's stormwater drainage and detention facilities are described in the Stormwater Management Plan for the Mill Creek Subdivision (the "Plan"), contained in various volumes and are hereby adopted by this Ordinance. The Plan describes the locations and dimensions of the facilities, explains their purposes, documents how the facilities operate, and explains how they are to be maintained. The Plan consists of narratives, engineer's drawings, tables, and figures, and is available for the public to review.

SECTION 2. STORMWATER DRAINAGE AND DETENTION FACILITIES

As indicated in the Plan, the District's stormwater drainage and detention facilities include, but are not limited to:

- (a) The floodplain, including banks and channels of streams, and lands designated as floodway and floodway fringe;

- (b) All area and volume up to the top of berm, including emergency overflows, of retention lakes, ponds, and detention basins;
- (c) Agricultural drains and field tiles;
- (d) Storm sewers, conduits, swales, ditches, gutters, culverts, and other stormwater conveyance facilities and appurtenances;
- (e) Wetlands, depressional storage areas, and vegetated filter strips; and
- (f) Sedimentation/stilling basins.

### SECTION 3. LOT MAINTENANCE

Each owner is required to perform the maintenance of the Lot, whether vacant or improved, to prevent the adverse functioning either of on-lot stormwater drainage facilities or those owned or designated by the District. To the extent, if at all, that any owner shall fail to perform said maintenance at reasonable times and in a reasonable manner, the District may perform such maintenance or repair and, in such event, the cost thereof shall be added to the owner's combined water, sanitary sewer, and stormwater management bill, and such amount shall be due and payable at the prescribed time. The District shall have such rights and remedies with respect to collections of them as are allowed under the By-Laws and prevailing Illinois law.

### SECTION 4. ALTERATION PROHIBITED

No person shall, before or after installation, alter any stormwater drainage or detention facility or lands so designated in the Plan so as to increase the flow of stormwater beyond that specified in this Ordinance without prior approval of the Director.

### SECTION 5. DISTRICT REQUIREMENTS

- (a) Floodway. No fill, debris, storage containers, structures, or improvements shall be allowed in the floodway except those incidental to roadways, recreational, or agricultural uses.
- (b) Floodway Fringe. No buildable lots shall be allowed with the boundary of the floodway fringe. Any fill or other alteration of the floodway fringe shall require effective compensatory storage of not less than 1.2 times the volume filled so as not to alter the water surface elevation of the 100-year flood. This requirement is in addition to any other requirements or permits required by other governing bodies having jurisdiction in the floodplain and floodway. No structure, improvement, storage of hazardous materials, or placement of floatable debris shall be allowed within the floodway fringe except those incidental to roadway, recreational, or agricultural uses.
- (c) Vegetated Open Spaces. The Director shall have the right to maintain or monitor the maintenance of all grassed swales, filter strips, restored prairies, wetlands, detention basins, and the banks of retention ponds by periodic mowing, burning, and clearing of debris. The cost of this maintenance (if incurred by the District) may be part of the stormwater management bill charged to all Lot owners. The purpose of this maintenance is to assure that the cleansing action of the vegetation is unimpaired, allowing the

planned removal of pollutants and sediments. The dumping of fill, debris, yard wastes, and any other obstructing material is prohibited and the construction of structures is not allowed to encroach into these areas.

- (d) Sedimentation/Stilling Basins. These facilities serve to settle out suspended solids from the stormwater runoff conveyed to them prior to storage in detention basins and retention ponds. The Director shall have the right to maintain or monitor the maintenance of these facilities to ensure the periodic removal and proper disposal or recycling of the accumulated solids. The cost of this maintenance (if incurred by the District) may be part of the stormwater management bill charged to all Lot owners.
- (e) Pipes, Inlets, and Outlets. The Director shall have the right to inspect, maintain, repair, and replace all pipes, inlet structures, and outlet structures to prevent blockage and ponding of stormwater runoff as it is conveyed to the planned storage facilities. Proper functioning of pipes, inlets, and outlets prevents the damaging backup of stormwater into buildings and dwellings within the Development. The cost of inspecting, maintaining, repairing, and replacing these facilities may be part of the stormwater management bill charged to all Lot owners.
- (f) Retention Lakes and Ponds. These open bodies of water are intended to store excess stormwater runoff from the Development, as well as serve as passive recreation amenities. The Director shall have the right to inspect and maintain these water bodies, especially to prevent the erosion of the banks causing loss of freeboard volume designed to store stormwater runoff. All uses of these water bodies, other than those posted, shall be prohibited to ensure the health, safety, and welfare of residents and visitors as well as to prevent damage to the shoreline area. The cost of inspecting, maintaining, and restoring retention lakes and ponds to ensure their functional integrity (if incurred by the District) may be part of the stormwater management bill charged to all Lot owners.

## SECTION 6. ESTABLISHMENT OF SETBACKS AND EASEMENTS

The integrity of the lands involved in the management of stormwater runoff in the Development to serve the stormwater conveyance, filtration, treatment, storage and other functions described or referred to herein shall be preserved by the establishment of setbacks and easements. A setback means the horizontal distance between any portion of a structure or improvement on a Lot from the open space land designated on the Plan adopted by the District. Encroachment by any structure or improvement; the placement of any fill, debris, or material; the alteration of vegetation; and any changes in grade within open space setbacks or easement areas are prohibited without the written consent of the District.

## SECTION 7. CONTROL OF SOIL EROSION

The purpose of this section is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating, and controlling the construction, use, and maintenance of any activity which disturbs or breaks the topsoil or otherwise results in the unplanned and excessive movement of earth on land situated in the Development. All construction within the District shall conform to the requirements of the Kane County Soil Erosion and Sediment Control Ordinance.

## SECTION 8. PENALTIES

Any person found to be violating any provision of this Ordinance shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The District may

revoke any permit for stormwater management and detention as a result of any violation of any provision of this Ordinance.

Any person who shall continue any violation beyond the time limits provided for herein shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding one thousand dollars (\$1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of this Ordinance shall become liable to the District by reasons of such violation.

SECTION 9. CONFLICT

All ordinances or parts of ordinances or other rules and regulations of the District, which are in conflict herewith, are hereby repealed.

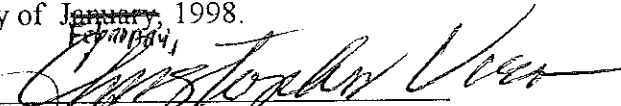
SECTION 10. SEVERABILITY

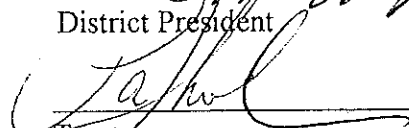
The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts. In the event that any part of this Ordinance shall be deemed to be illegal, invalid, or unenforceable, such portion of this Ordinance shall be deemed severed from this Ordinance and shall not affect the remaining portions of the Ordinance which shall be given their full force and effect.


SECTION 11. ORDINANCE IN FORCE

This Ordinance shall be effective and in full force from and after its passage, approval, recording, and publication as provided by law.

Passed and adopted by the Board of Trustees of the Mill Creek Water Reclamation District of the County of Kane, State of Illinois on the 4th day of ~~January~~ <sup>February</sup>, 1998.

  
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District President

  
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Trustee

  
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Trustee