

## Chapter 21.01

# STORM WATER MANAGEMENT

### 21.01.010: ADOPTED; EXCEPTIONS:

A certain document, three (3) copies of which are on file in the office of the city clerk of the city of Elgin, being marked and designated as the Kane County storm water management ordinance, as amended, be and is hereby adopted as and shall be known as the "Stormwater Management Ordinance of the City of Elgin" for managing and mitigating the effects of urbanization on storm water drainage in the city through planning, appropriate engineering practices and proper maintenance, and each and all of the regulations, provisions, conditions and terms of said Kane County storm water management ordinance, as amended, are hereby referred to, adopted, and made a part hereof, as if fully set out in this title, with the additions, insertions, deletions and other changes prescribed in this chapter. (Ord. G80-01 § 1, 2001)

The section below has been affected by a recently passed ordinance, G84-08 - STORMWATER MANAGEMENT. See attached.

### 21.01.020: ADDITIONS, INSERTIONS AND CHANGES:

The Kane County storm water management ordinance, as amended, is amended and revised in the following respects:

Section 104(2), entitled "Definitions", shall be amended to read as follows:

*Administrator* means the City Engineer of the City of Elgin.

Section 104, entitled "Definitions", shall be amended to add the following definition of the term "Oversight Committee" as subparagraph (138):

*Oversight Committee* means the City of Elgin Planning and Development Commission.

Section 202(b), entitled "Site runoff requirements", shall be amended to read as follows:

Minor stormwater systems shall be sized to convey runoff from the tributary watershed under fully developed conditions consistent with the design requirements as follows:

(1) Storm Sewers: Storm sewers shall be designed to flow just full for the 10-year intensity-duration-frequency curve. The maximum allowable width of the street gutter flow from the face of the curb shall be limited to eight feet (8').

(2) Drainage Plan: An overall drainage area layout plan showing the limits of the contributing runoff broken down into areas contributing to each drainage pick-up point, shall be submitted with the paving and drainage plans. Drainage design with the development shall be adequate to handle the entire contributing watershed area, and its existing, proposed and probable future development, and not the area under submission only.

(3) Open Channels: Open channels used as part of a major drainage system shall be designed with a minimum freeboard of two feet (2') and a product of maximum velocity in feet per second and depth in feet of four (4) or less for the base flood.

(4) **Minor Drainage Construction Standards:** The minimum pipe size for culverts and storm sewers as part of the minor drainage system shall be twelve inches (12") inside diameter, except the minimum pipe size connecting one catch basin with another catch basin or manhole may be ten inches (10") inside diameter. The minimum clean-out velocity for all pipes shall be two feet (2') per second. Sewer design shall consider the need for grates to prevent ingress but not egress from sewers greater than ten inches (10") diameter. Storm sewer pipe materials shall meet State standards and shall be watertight.

(5) **Manholes And Catch Basins; Spacing And Standards:** Manhole and/or catch basin spacing between straight runs of pipe shall be limited to a maximum spacing of three hundred feet (300') for sewers thirty six inches (36") or less in diameter, a maximum of five hundred feet (500') for sewers over thirty six inches (36") in diameter. Manhole and catch basin shall meet State standards, shall be precast concrete and shall be watertight unless otherwise approved by the Director.

(6) **Size Of Minor Drainage Systems:** Minor drainage systems shall be sized to convey runoff from the tributary watershed under fully developed conditions for the 10-year event of critical duration.

(7) **Maintenance Access:** Major and minor storm water systems shall be located within easements or rights of way at least ten feet (10') wide explicitly providing for public access for their maintenance.

(8) **Buildable Lots:** No buildable lots shall contain flood plain, wetlands or waters of the United States.

Section 203(b), entitled "Site runoff storage requirements (detention)", shall be amended to read as follows:

Absent any applicable watershed plan or interim watershed plan, 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%) per year and the probability of the post-development release rate exceeding 0.04 cfs/acre of development shall be less than fifty percent (50%) per year. Design runoff volumes shall be calculated using event hydrograph methods. The Administrator may specify more restrictive release rates when downstream conditions warrant.

Section 203(h)(1), entitled "Site runoff storage requirements (detention)", shall be amended to read as follows:

A minimum of two feet (2') of freeboard above the base flood elevation shall be provided around the perimeter of the detention facility with the exception of the overflow structure. Water surface elevations two feet (2') above the base flood elevation shall not damage the detention facility.

Section 203(h)(10), entitled "Site runoff storage requirements (detention)", shall be created to read as follows:

All outlet works shall function without human intervention or outside power and shall operate with minimum maintenance.

Section 203(h)(11), entitled "Site runoff storage requirements (detention)", shall be created to read as follows:

Detention 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.

Section 203(h)(12), entitled "Site runoff storage requirements (detention)", shall be created to read as follows:

The maximum allowable water level fluctuation shall be five (5) feet.

Section 500(c), entitled "General requirements", shall be amended to read as follows:

All permit fees shall be paid at the time of the application in accordance with the fee schedule established by this Chapter. Fees shall be established based upon all costs incurred by the permitting authority in the administration of the permit, including, without limitation, the costs of review and inspections both during and after construction within the period for the establishment of permanent cover.

Section 600, entitled "Long-term maintenance", shall be amended to read as follows:

Unless maintenance responsibility has been delegated to and accepted by another person under this section, the owner shall maintain that portion of a stormwater drainage system, including any special management areas, located upon his land. With the approval of the Administrator, the stormwater drainage system and special management areas, or specified portions thereof, may be \_

- (a) dedicated or otherwise transferred to and accepted by the permitting authority or other public entity; or
- (b) conveyed or otherwise transferred to and accepted by a homeowner's association, or similar entity, the members of which are to be the owners of all of the lots or parcels comprising the development; or
- (c) conveyed to one or more persons or in one or more undivided interests to one or more persons.

Except for those portions of the stormwater drainage system and special management areas to be dedicated or otherwise transferred to the permitting authority or other public entity, included in the application for a stormwater permit shall be a plan for the long term management, operation and maintenance of the stormwater drainage system and special management areas and a description of the funding sources therefore. The person or entity that will remain responsible for the maintenance of all detention facilities shall be designated on the final plat of subdivision or other applicable recorded documents and final plans. Amendments to the plan must be approved by the Administrator.

Section 700, entitled "Inspection and maintenance authority", shall be amended to read as follows:

Pursuant to the authority granted by 55 ILCS 5/51104 and 5-1062, the County may, upon 30 days' notice to the owner or occupant, enter upon any lands or waters within the County for the purpose of inspecting, maintaining or inspecting and maintaining any stormwater facilities or causing the removal of any obstruction to an affected watercourse. The permitting authority may enter upon any lands or waters within the City in accordance with Chapter 1.16 of the Code for the purpose of inspecting, maintaining or inspecting and maintaining any stormwater facilities or causing the removal of any obstruction to an affected watercourse.

Section 703, entitled "Offenses-penalties; remedies", shall be amended to read as follows:

- (a) Any person found guilty of an offense under this ordinance shall pay a civil fine in an amount of not less than \$100.00 and not more than \$1000.00. Each calendar day during which such violation continues to exist shall constitute a separate offense.
- (b) In addition to any fine imposed under this section, the Administrator or Director may revoke any stormwater management permit issued to such person.
- (c) In addition to any fine imposed or permit revocation undertaken pursuant to this section, the Administrator or Director may issue an order requiring the suspension of any further work on the site.

Such stop-work order shall be in writing, shall indicate the reason for the issuance, and shall specify the action, if any, required to be taken in order to resume work. One copy of the stop-work order shall be posted in the site in a conspicuous place and one copy shall be served in the manner prescribed in §1006 upon the permittee, or if none, upon the person whose name the site was last assessed for taxes as disclosed by the records of the Supervisor of Assessments.

(d) In the enforcement of this ordinance, the Administrator or Director may bring any action, legal or equitable, including an action for injunctive relief, as they deem necessary.

Section 902, entitled "Application fee", shall be amended to read as follows:

The fee for filing an application for a variance shall be paid at the time of the application in accordance with the fee schedule established by this Chapter.

(Ord. G80-01 § 1, 2001)

### **21.01.030: FEES:**

- A. **Payable:** The filing and application fees for site development permits, subdivision development permits or services for development set forth in this title shall be paid in addition to any other fees required by this code.
- B. **Acreage Calculation:** When calculating the acreage of a development for the purposes of determining the applicable fee under this section, the acreage shall be derived from the entire size of the parcel being developed, as differentiated from the acreage within the portion of the parcel on which the proposed improvements will be constructed.
- C. **Cash Deposit:** When a cash deposit is required as part of the filing and application fee for a site development permit, subdivision development permit or services for development set forth in this title, the city shall submit an invoice to the applicant upon the completion of any review or inspection. The city may utilize consulting firms to provide reviews and inspections and submit an invoice to the applicant for the consultant fees plus the city's administrative costs. Reviews and inspections conducted by the city shall be billed at the rate of forty five dollars (\$45.00) per hour and shall be included on any invoice submitted to the applicant.

#### **D. Fee Schedule:**

##### Sediment And Soil Erosion Control

Single-family dwelling or development  
of 5 acres or less

\$250.00

Development greater than 5 acres

Actual cost to review, permit and inspect, but not less than \$1,000.00. Applicant shall make a cash deposit of 2 percent of engineer's estimate of costs. The city shall draw from the applicant's deposit as costs are incurred and submit an invoice for such costs to the applicant.

Upon receiving an invoice, the applicant shall submit an additional cash deposit to the city to maintain the requisite 2 percent of the engineer's estimate of costs.

### Floodplain

Single-family dwelling or development of 5 acres or less

\$250.00

Development greater than 5 acres

Actual cost to review, permit and inspect, but not less than \$1,000.00. Applicant shall make a cash deposit of 2 percent of engineer's estimate of costs. The city shall draw from the applicant's deposit as costs are incurred and submit an invoice for such costs to the applicant. Upon receiving an invoice, the applicant shall submit an additional cash deposit to the city to maintain the requisite 2 percent of the engineer's estimate of costs.

### Storm Water Control

Development of 3 acres or less

Actual cost to review, permit and inspect, but not less than \$500.00. Applicant shall make a cash deposit of 2 percent of engineer's estimate of costs. The city shall draw from the applicant's deposit as costs are incurred and submit an invoice for such costs to the applicant. Upon receiving an invoice, the applicant shall submit an additional cash deposit to the city to maintain the requisite 2 percent of the engineer's estimate of costs.

Development greater than 3 acres

Actual cost to review, permit and inspect, but not less than \$1,000.00. Applicant shall make a cash deposit of 2 percent of engineer's estimate of costs. The city shall draw from the applicant's deposit as costs are incurred and submit an invoice for such costs to the applicant. Upon receiving an invoice, the applicant shall submit an additional cash deposit to the city to maintain the requisite 2 percent of the engineer's estimate of costs.

### Fee In Lieu Of Site Runoff Storage

Any development, each acre-foot of storage or part thereof not provided

\$25,000.00 per acre-foot

Commercial redevelopment or industrial redevelopment, each acre-foot of storage or part thereof not provided

\$7,500.00 per acre-foot

Application for a variance

\$200.00

(Ord. G37-02 § 1, 2002; Ord. G80-01 § 1, 2001)

AN ORDINANCE  
AMENDING CHAPTER 21.01 OF THE  
ELGIN MUNICIPAL CODE, 1976, AS AMENDED, ENTITLED  
"STORMWATER MANAGEMENT"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS:

Section 1. That Section 21.01.020, of the Elgin Municipal Code, 1976, as amended, entitled "Additions, Insertions and Changes" be and is hereby further amended by adding to the listing contained herein the following additional items:

"Section 201(d) entitled "General Stormwater Requirements", shall be amended by adding the following additional text to the end thereof:

"The minimum freeboard on an overland flow path, regardless of the service area size, shall be one (1) foot."

"Section 203(g)(1) entitled "Site Runoff Storage Requirements (detention)", shall be amended by adding the following additional text to the end thereof:

"A safety and planting ledge shall be incorporated into detention facilities that include retention below normal water level greater than two (2) feet. Said ledge shall be at least six (6) inches but no more than two (2) feet below normal water level and shall extend a minimum distance of ten (10) feet into the pond."

"Section 203(h)(2), entitled "Site Runoff Storage Requirements (Detention)", shall be amended to read as follows:

"The storage facility shall be accessible and easily maintained. For subdivided land, storage facilities shall be located entirely on a lot dedicated therefor and shall have access to a public street. Buildable lots within a subdivision shall not include any portion of a stormwater storage facility. Access shall be via a minimum fifteen foot wide easement to accommodate a minimum twelve foot wide paved access."

Existing Section 203(h)(12) contained therein is hereby amended to read as follows:

"Section 203(h)(12), entitled "Site Runoff Storage Requirements (Detention)" shall be amended to read as follows:

"The maximum allowable water level fluctuation shall be seven and one-half (7.5) feet."

“Section 203(h)(13) entitled “Site Runoff Storage Requirements (Detention)”, shall be created to read as follows:

“The maximum slope on any portion of a storage facility, including access, shall be four foot of run for every one foot of rise (4:1). Exceptions will be made within the retention portion of a pond below normal water level if the facility is designed and intended to create fish habitat.”

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and are hereby repealed.

Section 3. That this ordinance shall be in full force and effect upon its passage and publication in the manner provided by law.

s/ Ed Schock  
Ed Schock, Mayor

Presented: December 17, 2008  
Passed: December 17, 2008  
Omnibus Vote: Yeas: 6 Nays: 0  
Recorded: December 18, 2008  
Published: December 19, 2008

Attest:

s/ Diane Robertson  
Diane Robertson, City Clerk