

ORDINANCE NO. 01 - 11

**ORDINANCE ADOPTING BY REFERENCE THE  
REGULATIONS OF THE KANE COUNTY STORM  
WATER MANAGEMENT ORDINANCE 00-312**

**WHEREAS**, the Kane County Storm Water Management Committee and its Technical Advisory Committee drafted a comprehensive countywide storm water management ordinance; and

**WHEREAS**, the County Board of Kane County, after public hearings, passed the Kane County Stormwater Management Ordinance 00-312 on November 14, 2000; and

**WHEREAS**, the President and Board of Trustees of the Village of East Dundee, Illinois, have examined the Kane County Stormwater Management Ordinance 00-312 and find it in the best interests of the Village to adopt its regulations by reference;

**WHEREAS**, the President and Board of Trustees of the Village of East Dundee, Illinois, pursuant to 55 ILCS 5/5-1062(k) desire to adopt a storm water management ordinance consistent with, and at least as stringent as Kane County's ordinance and plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:**

**Section One. Regulations Adopted.** That the regulations of the Kane County Stormwater Management Ordinance 00-312 adopted by the Kane County Board on November 14, 2000, be and they are hereby adopted by reference as the Village Storm Water Standards (hereafter the "Storm Water Ordinance") as criteria for issuing storm water management permits as the minimum engineering standards for storm water management of the Village in reviewing and approving development under all development approval authorized by law and Village ordinances and standards, at least one copy of said Kane County Stormwater Management Ordinance being on file in the office of the Village Clerk, which ordinance has been on file with the Village Clerk for a period of 30 days before the adoption of this ordinance and shall be kept in said office available for public use, inspection, and examination continuously.

**Section Two. Violations.**

- (a) Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any provision of this ordinance (ordinance violation) or any requirement of condition in any permit issued pursuant to

this ordinance (permit violation) and, in the case of a permit violation, fails to correct such violation, omission, or neglect, or cease such disobedience, refusal, or resistance after notice and reinspection as provided in the Storm Water Ordinance shall be guilty of an offense under this ordinance.

- (b) Whenever the Administrator or Director determines that such a permit violation exists, he shall serve notice of the violation in the manner prescribed in §1006 of the Storm Water Ordinance to the permittee. Such notice shall state the nature of the violation and fix a date not less than 10 days after the date of the notice when the site will be reinspected.

**Section 3. Penalties; Remedies.**

- (a) Any person found guilty of a violation under this ordinance shall pay a civil fine in an amount not less than \$25 and not more than \$750. 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 the Director may revoke any storm water management permit issued to such person.
- (c) In addition to any fine imposed or permit revocation undertaken pursuant to this section, the Administrator or the 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 its 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 on the site in a conspicuous place and one copy shall be served in the manner prescribed in §1006 of the Storm Water Ordinance upon the permittee, if any, or if none, upon the person in 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 Village, at the request of the Administrator or the Director, may bring any action, legal or equitable, including an action for injunctive relief, as is deemed necessary.

**Section 4. Administration.** The Village Administrator and/or his designee is designated to administer and enforce this ordinance.

**Section 5. Qualified Review Specialist.** The Village Engineer, Gerald L. Heinz of Gerald L. Heinz & Associates is designated as the Qualified Review Specialist.

Section 6. Qualified Wetland Review Specialist. Encap, Inc., of DeKalb, Illinois, is designated the Village's Qualified Wetland Review Specialist.

Section 7. Permit Fees, Variances, and Fee in Lieu of Schedule. In addition to any other fee or payment required by any other ordinance of the Village, the following fees are established pursuant to the Storm Water Ordinance:

- (a) Permit Fee \$250 as may be amended from time to time by the Village's Fee Schedule
- (b) Variance Fee \$200 as may be amended from time to time by the Villages's Fee Schedule
- (c) Fee in Lieu of Schedule See §1300 of the Storm Water Ordinance

Section 8. Performance Security. The performance security shall be the greater of the requirements found in Article 12 of the Storm Water Ordinance of the Village's Subdivision Ordinance, Village of East Dundee, Illinois, 2001, Municipal Code, Section 410.0 through Section 410.1.

Section 9. Exempt Developments. The subdivision(s) listed in Exhibit "A," the final plats of which have previously been approved and/or which are subject to executed Annexation Agreements (all occurring prior to January 1, 2001) containing contractual standards concerning storm water management are exempt from any increased standards set forth in this ordinance.

Section 10. Oversight Committee. The President and Board of Trustees of the Village of East Dundee, Illinois, shall be the oversight committee.

Section 11. Effective Date. This Ordinance shall become effective on January 1, 2002.

Section 12. Severability. If any section, paragraph, or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this ordinance.

Section 13. Repeal. All ordinances, resolutions, motions, or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section 14. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval, and publication in pamphlet form as provided by law.

Adopted this 20<sup>th</sup> day of August, 2001, pursuant to a roll call vote as follows:

AYES: Stalla, Zaeske, Arnone, Ruffalo, Bartels, Schack.  
NAYES: None.  
ABSENT: None.

Approved by me this 20<sup>th</sup> day of August, 2001.

Roger W Ahrens  
ROGER AHRENS, President

Published in pamphlet form this 22<sup>nd</sup> day of August, 2001, under the authority of the President and Board of Trustees.

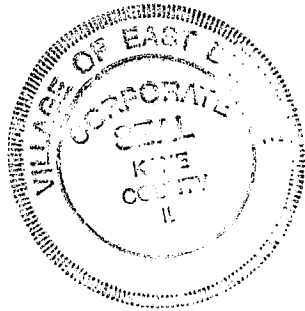
**ATTEST:**

Jane E. Theis

JANE THEIS, Village Clerk

Recorded in the Village Records on August 22<sup>nd</sup>, 2001.

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## EXHIBIT "A"

### EXEMPT SUBDIVISIONS

1. Prairie Lake Industrial Park

This is a 19-unit lot (80 acre) industrial park subdivision. The existing detention basin has been approved. The storm water management plan has been fully approved and is almost completely implemented.

2. Gateway Subdivision