

ORDINANCE NO. 05 - 10

**CODIFICATION OF ORDINANCE NO. 01-11 ADOPTING BY
REFERENCE THE REGULATIONS OF THE
KANE COUNTY STORM WATER MANAGEMENT
ORDINANCE 00-312 AS TITLE V, LAND USE,
CHAPTER 154, STORM WATER CONTROL
AND DETENTION REGULATIONS**

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 Storm Water Management Ordinance 00-312 on November 14, 2000; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee, approved Ordinance No. 01-11 adopting the Kane County Storm Water Management Ordinance on August 20, 2001, and now wish to codify such ordinance.

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 1. Regulations Adopted. That Chapter 154 of the Code of Ordinances of the Village of East Dundee is hereby deleted in its entirety and that the regulations of the Kane County Storm Water 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 of East Dundee Storm Water Ordinance (hereafter the "Storm Water Ordinance") as Title V, Land Use, Chapter 154, Storm Water Control and Detention Regulations, Section 154.001.

Section 2. That Title V, Land Use, Section 154.010, Violations, be adopted as follows:

Section 154.010 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. That Title V, Land Use, Section 154.020, **Penalties; Remedies**, be adopted as follows:

Section 154.020 **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. That Title V, Land Use, Section 154.030, **Administration**, be adopted as follows:

Section 154.030 **Administration**. The Village Administrator and/or his designee is designated to administer and enforce this ordinance.

Section 5. That Title V, Land Use, Section 154.040, **Qualified Review Specialist**, be adopted as follows:

Section 154.040 **Qualified Review Specialist**. The Village Engineer, Gerald L. Heinz of Gerald L. Heinz & Associates is designated as the Qualified Review Specialist.

Section 6. That Title V, Land Use, Section 154.050, **Qualified Wetland Review Specialist**, be adopted as follows:

Section 154.050 **Qualified Wetland Review Specialist**. Encap, Inc., of DeKalb, Illinois, is designated the Village's Qualified Wetland Review Specialist.

Section 7. That Title V, Land Use, Section 154.060, **Permit Fees, Variances, and Fee in Lieu of Schedule**, be adopted as follows:

Section 154.060 **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. That Title V, Land Use, Section 154.070, **Performance Security**, be adopted as follows:

Section 154.070 **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. That Title V, Land Use, Section 154.080, **Exempt Developments**, be adopted as follows:

Section 154.080 **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. That Title V, Land Use, Section 154.090, Oversight Committee, be adopted as follows:

Section 154.090 **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 ratifies, affirms, and codifies Ordinance No. 01-11 adopted by the East Dundee Village Board on August 20, 2001.

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 21st day of February, 2005, pursuant to a roll call vote as follows:

AYES: Zaeske, Ruffalo, Bartels, Schock, Van Ostenbridge, Scarpelli, President Ahrens

NAYES: None

ABSENT: None

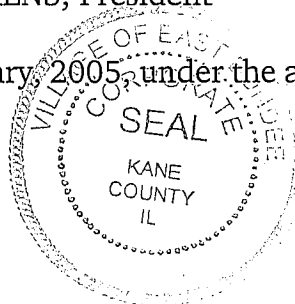
Approved by me this 21st day of February, 2005.

Roger Ahrens
ROGER AHRENS, President

Published in pamphlet form this 23rd day of February, 2005, under the authority of the President and Board of Trustees.

ATTEST:

Jane E. Theis
JANE THEIS, Village Clerk



Recorded in the Village Records on February 23rd, 2005.

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.