

**TITLE XV: LAND USAGE**

Chapter

- 150. BUILDING CODE**
- 151. OFF-STREET PARKING FACILITIES**
- 152. STORMWATER MANAGEMENT**
- 153. SWIMMING POOL SAFETY DEVICES**
- 154. FLOOD DAMAGE PREVENTION**
- 155. DEVELOPMENT ORDINANCE**
- 156. (RESERVED)**
- 157. COMPREHENSIVE PLAN**



## CHAPTER 150: BUILDING CODE

### Section

#### *General Provisions*

150.001	Title
150.002	Purpose
150.003	Application
150.004	Enforcement of restrictive limitations
150.005	Change of grade
150.006	Unlawful maintenance or occupation of buildings
150.007	Materials; methods of construction
150.008	Certificate of occupancy
150.009	Building Inspector; duties

#### *Standards and Codes*

150.020	Adoption of codes
150.021	Termite control
150.022	Life Safety Code; door lock requirements
150.023	Amendments

#### *Building Permits*

150.035	Permit required
150.036	Application for permit
150.037	Approved plans must be followed
150.038	Signature and date of final preparation
150.039	Disapproval of application; temporary permit
150.040	Issuance of permit; display of permit
150.041	Plans to be kept on premises; limits of construction site
150.042	Revocation; stop order
150.043	Expiration of permit
150.044	Permit fees

**Forsyth - Land Usage*****Variances***

- 150.055 Authority
- 150.056 Initiation
- 150.057 Processing

***Building Requirements***

- 150.070 Grade marking of lumber
- 150.071 Fire resistance rating of ceilings
- 150.072 Bathrooms and lavatories
- 150.073 Surface and subsoil drainage
- 150.074 Exterior stairways; fire escapes
- 150.075 Fees paid before issuance of permit
- 150.076 Regular inspections; reinspection fees
- 150.077 Pole building construction
- 150.078 Footings; crawl space
- 150.079 Felt or tar paper prohibited
- 150.080 Bond; requesting review by Village Board

***Billboards***

- 150.095 Provisions of zoning code apply
- 150.096 Requirements for suspension of display sign over street; bond; insurance

***Retail Shops***

- 150.110 Number of restrooms required
- 150.111 Valuation of cost of finishing retail shops for permit purposes

***Erosion Control During Construction***

- 150.125 Stockpiling of excavated soil
- 150.126 Temporary construction access drive
- 150.127 Cleanup of tracked or washed soil
- 150.128 Seeding of bare soil
  
- 150.998 Violation; remedy
- 150.999 Penalty

***GENERAL PROVISIONS***

**§ 150.001 TITLE.**

This chapter shall be known and may be cited as the building code.  
(Prior Code, § 150.01) (Ord. 145, passed 9-16-1974)

**§ 150.002 PURPOSE.**

The purpose of this chapter is to provide for the safety, health, and public welfare through structural strength and stability, means of egress, adequate light, and ventilation, and protection to life and property from fire and hazards incident to the design, construction, alteration, removal, or demolition of buildings and structures.  
(Prior Code, § 150.02) (Ord. 145, passed 9-16-1974)

**§ 150.003 APPLICATION.**

The provisions of this chapter apply to the construction, alteration, repairs, equipment, use and occupancy, location, and maintenance of buildings and structures and to appurtenances such as vaults, areaways, and street encroachments, hereafter erected and, where expressly stated, to buildings and structures and equipment for the operation thereof hereafter moved or demolished in the municipality. The provisions of this chapter based on occupancy also apply to conversions of existing buildings and structures or portions thereof from 1 occupancy classification to another.  
(Prior Code, § 150.03) (Ord. 145, passed 9-16-1974)

**§ 150.004 ENFORCEMENT OF RESTRICTIVE LIMITATIONS.**

Nothing in this chapter shall be construed to prevent the enforcement of other laws or ordinances which prescribed more restrictive limitations.  
(Prior Code, § 150.04) (Ord. 145, passed 9-16-1974)

**§ 150.005 CHANGE OF GRADE.**

Nothing in this chapter shall prohibit the raising or lowering of a building, or structure, to meet a change of grade in the street on which it is located, provided the building or structure is not otherwise altered.  
(Prior Code, § 150.05) (Ord. 145, passed 9-16-1974)

**§ 150.006 UNLAWFUL MAINTENANCE OR OCCUPATION OF BUILDINGS.**

It shall be unlawful to maintain, occupy, or use a building or structure, or part thereof, that has been erected or altered in violation of the provisions of this chapter, and no building or structure shall be occupied unless it is in a safe and habitable condition as prescribed in this chapter.

(Prior Code, § 150.06) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.007 MATERIALS; METHODS OF CONSTRUCTION.**

Nothing in this chapter shall be construed to prevent the use of any material or method of construction whether or not specifically provided for in this chapter if upon presentation of plans, methods of analysis, test data, or other necessary information, to the village officials by the interested person or persons, the village officials are satisfied that the proposed materials or method of construction complies with specific provisions of or conforms to the intent of this chapter.

(Prior Code, § 150.07) (Ord. 145, passed 9-16-1974)

**§ 150.008 CERTIFICATE OF OCCUPANCY.**

(A) No building hereafter erected shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the village officials certifying that the building conforms to the provisions of this chapter and to the zoning code.

(B) No building, hereafter enlarged or extended, or so altered, wholly or in part, as to change its classification and no building hereafter altered for which a certificate of occupancy has not been theretofore issued, shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the village officials certifying that the work for which the permit was issued has been completed in accordance with the provisions of this chapter; provided, that if the occupancy or use of the building was not discontinued during the work of alteration, the occupancy or use of the building shall not continue for more than 30 days after completion of the alteration unless the certificate shall have been issued.

© In addition to the certification as to compliance with the provisions of this chapter, the certificate of occupancy shall state the purposes for which the building may be used in its several parts, the maximum permissible live-loads on the several floors, the number of individual persons that may be accommodated in the several floors, in case the number is limited by a provision of law or by the permit, and all special stipulations of the permit, if any.

(D) Upon request of the holder of a permit, the village officials may issue a temporary certificate of occupancy for part of a building for a period not exceeding 6 months, provided that the temporary occupancy or use would not jeopardize life or property.

(E) A certificate of occupancy shall be issued within 5 days after written application therefor, if the building at the time of the application shall be entitled thereto. Prior to the issuance of a certificate of occupancy, the owner shall at his or her own cost and expense furnish to the village officials a certificate made by a structural engineer or architect licensed by the state that the building has been erected in accordance with the plans and specifications for the building, which plans and specifications had accompanied the application for the building permit, and further certifying that the building had been constructed in full compliance with all of the terms of this chapter; a copy of certificates of occupancy shall be furnished on request to persons having a proprietary interest in the building.

(F) Nothing in this chapter shall require the removal, alteration, or abandonment of nor prevent the continuance of the use and occupancy of a building lawfully existing at the effective date of this chapter, except as may be necessary for the safety of life and property. Upon written request from the owner, the village official shall issue a certificate of occupancy for an existing building certifying after verification by inspection, the occupancy or use of the building.

(G) No change of occupancy or use shall be made in a building hereafter erected or altered that is not consistent with the last issued certificate of occupancy for the building, unless a permit is secured. In case of an existing building, no change of occupancy that would bring it under some special provision of this chapter shall be made, unless the village officials find, upon inspection, that the building conforms substantially to the provisions of law with respect to the proposed new occupancy and use, and the official issues a certificate of occupancy therefor. The use of a building or premises shall not be deemed to have changed because of a temporary vacancy or change of ownership or tenancy. The reestablishment in a building, after a change of occupancy has been made, of a prior use that would not have been permitted in a new building of the same type of construction, is prohibited. The change from a specifically prohibited use to another specifically prohibited use shall not be made. (Prior Code, § 150.08) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.009 BUILDING INSPECTOR; DUTIES.**

(A) The Office of Building Inspector is hereby created.

(B) The Building Inspector shall be appointed by the Village Administrator.

(C) The Building Inspector shall act upon the application for building permits and certificates of occupancy as prescribed by the ordinances of the village. He or she shall examine the premises for which building permits and certificates of occupancy have been issued and shall make the inspections necessary to see that the provisions of law and the ordinances of the village are complied with, and he or she shall enforce all laws and ordinances of the village relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location, and maintenance of buildings and structures.

(D) The Building Inspector shall keep careful and comprehensive records of applications, permits, and certificates issued, of inspections made and reports rendered, and shall retain and file copies of all the documents.

(E) The Building Inspector shall submit the reports and in the form as shall be required by the Village Administrator.

(Ord. 373, passed 9-25-1991)

(F) The Building Inspector, in the discharge of his or her duties, shall have authority to enter any building, structure, or premises at any reasonable hour where the work of construction, alteration, repair, removal, demolition, and equipment is going on, and he or she shall have the right to order all work stopped when the work is being done in violation of the ordinances of the village, and it shall be unlawful to continue the work after the issuance of the order. If the order is issued orally, it shall be followed by a written order within 1 hour, served upon the owners of the premises, architect, contractor, or person in charge of the work.

(G) The Building Inspector shall receive as compensation for his or her services the amount established by the village from time to time.

(H) The Building Inspector may also serve as the village's Code Enforcement Officer.

(Prior Code, § 150.09) (Am. Ord. 911, passed 6-2-2014)

### *STANDARDS AND CODES*

#### **§ 150.020 ADOPTION OF CODES.**

(A) (1) Certain documents, known as the 2006 International Building Code, as amended, the 2006 International Residential Building Code, as amended, the 2006 International Mechanical Code, as amended, the most current edition of the Illinois Plumbing Code, as amended, the 2008 National Electrical Code, as amended, 2006 International Fire Code, 2006 Fuel Gas Code, and the 2006 International Property Maintenance Code, are hereby adopted by reference as the applicable minimum standards covering construction of commercial, industrial and dwelling structure within the Village of Forsyth, Illinois, together with all the regulations, provisions and terms contained therein except where superseded by state law or local ordinance amending the building code.

(2) For new buildings of all types, where emergency lighting is required, an adequate number of battery back-up type fixtures shall be used to provide lighting for exiting. This shall be required in all installations including buildings supplied with alternate power supply such as generators or separate services.

(Ord. 473, passed 4-15-1996; Am. Ord. 485, passed 10-7-1996; Am. Ord. 486, passed 10-7-1996; Am. Ord. 487, passed 10-7-1996; Am. Ord. 530, passed 5-15-2000; Am. Ord. 642, passed 12-20-2004; Am. Ord. 692, passed 10-16-2006; Am. Ord. 741, passed 4-7-2008; Am. Ord. 828, passed 8-1-2011; Am. Ord. 829, passed 10-3-2011)

(B) Whenever reference is made in this, or in other ordinances, or in the codes hereby adopted by reference to the Building Official or to the village officials, it shall mean and stand for the Mayor and



Board of Trustees of the village, or for the individual or individuals designated by the Mayor and Board of Trustees, as the Building Official or Building Inspector, and wherever reference is made in any code adopted hereby to the provisions of any article or section thereof excluded from adoption by reference herein, the reference shall mean and stand for reference to the applicable provisions of the ordinances of the village, then in force applying to the particular subject matter of the reference.

(C) The provisions of those codes adopted are hereby amended to insert in lieu of the words “name of Municipality” wherever the same appears in bracket italics, the words “the village.”

(Ord. 145, passed 9-26-1974)

(Prior Code, § 150.20)

**§ 150.021 TERMITE CONTROL.**

In addition to the requirements of Ord. 642 of 2003, International Building Code, for the protection of structures against subterranean termites, a continuous metal shield with solid joints shall be provided over foundation walls, piers, and on pipes to prevent termites from gaining access to the structure. The shields shall be formed of corrosion resistant material firmly inserted in the masonry, or between the foundation and any wood, with a projection edge bent downward at an angle of 45 degrees and extending horizontally at least 1 inch from the face of the foundation. Copper clad building paper or similar material shall not be used to satisfy the requirements of this section; provided that chemical treatment of adjacent soil may be substituted in lieu of the shielding, the manner and proof of which treatment shall be of a nature as shall satisfy the village officials of the efficacy thereof.

(Prior Code, § 150.21) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.022 LIFE SAFETY CODE; DOOR LOCK REQUIREMENTS.**

The requirements of the Life Safety Code, with regard to door locks are hereby modified insofar as the same may be applicable to mercantile, office, or industrial occupancies, if there is a readily visible, durable sign placed on or adjacent to the required exit door stating “This door shall remain unlocked during business hours,” which sign shall be in letters not less than 1-inch high on a contrasting background, provided the locking device on the door is of a type which readily shows when the same is locked or is not locked and provided that use of the door to satisfy fire exit requirements is approved in writing by the village officials. Flush or surface bolts shall not be used unless the same are of not less than 1/2-inch round stock with a 3/4-inch minimum diameter control knob and that there be no more than 2 such bolts to an exit opening both of which are readily accessible. Flush bolts on inactive doors which lock and unlock simultaneously with an active door are permitted.

(Prior Code, § 150.22) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.023 AMENDMENTS.**

Amendments to the standards and codes adopted hereof by reference may be hereafter adopted by the filing hereof in triplicate with the Village Clerk at the direction of the Mayor and Board of Trustees, which the amendments shall become effective and shall be incorporated herein by reference and made a part hereof as if fully set forth herein, 15 days after the same have been so filed.  
(Prior Code, § 150.23) (Ord. 145, passed 9-16-1974)

***BUILDING PERMITS*****§ 150.035 PERMIT REQUIRED.**

(A) No person, firm, or corporation shall construct, remove, demolish, or alter or structurally repair any building, or structure or commence to construct, remove, demolish, or alter, or structurally repair any building or structure without first having obtained a permit so to do issued by the village officials or their authorized representative upon approval of an application for the same.

(B) For the purpose of this section, the word ***STRUCTURE*** shall have the same meaning as so defined in the Forsyth Zoning Ordinance and shall include a driveway.  
(Prior Code, § 150.30) (Ord. 145, passed 9-16-1974; Am. Ord. 529, passed 5-1-2000) Penalty, see § 150.999

**§ 150.036 APPLICATION FOR PERMIT.**

(A) (1) Application for the permit shall be in writing on forms prescribed and furnished by the village officials which application shall be made by the owner, lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work and shall contain the name and address of the applicant and of the owner, and if the owner is a corporation the name and address of the Mayor and secretary thereof or the local managing agent thereof.

(2) The application shall contain the description of the proposed work and other information as may be reasonably required by the village officials.

(B) Each application for a permit for construction of a new building costing \$2,500 or more shall be accompanied by 3 or 4 sets of drawings to scale of the proposed work including floor plans, elevation, sections, structural and mechanical plans, and a site plan accurately showing the location and size of the new building or structure along with off-street parking facilities, if any, and 2 sets of specifications for

the proposed work such drawings shall have been prepared by a structural engineer or an architect licensed by the state, and such fact shall be certified to by the structural engineer or architect licensed by the state.

(Prior Code, § 150.31) (Ord. 145, passed 9-16-1974)

**§ 150.037 APPROVED PLANS MUST BE FOLLOWED.**

Upon approval of the plans and specifications submitted and issuance of the permit, the plans and specifications so approved shall be strictly adhered to.

(Prior Code, § 150.32) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.038 SIGNATURE AND DATE OF FINAL PREPARATION.**

The required plans and specifications and any alterations, revision, or amendment thereof shall bear the signature and the date of final preparation or approval of the person preparing the same and shall be endorsed with a statement showing the relations of the preparer thereof to the owner or applicant, and shall be in compliance with all applicable statutes of the state and ordinances of the village.

(Prior Code, § 150.33) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.039 DISAPPROVAL OF APPLICATION; TEMPORARY PERMIT.**

The village officials shall act upon all applications within a reasonable time and, in case of disapproval of an application, the village officials if so requested shall report their reasons for the same in writing to the applicant. The village officials may issue a temporary permit for the commencement of construction or other work before all mechanical plans and all detailed construction documents have been submitted; provided, that reasonably adequate plans for the commencement of work have been presented and approved; and provided further, the temporary permit is limited to the work for which plans have been received and approved.

(Prior Code, § 150.34) (Ord. 145, passed 9-16-1974)

**§ 150.040 ISSUANCE OF PERMIT; DISPLAY OF PERMIT.**

Upon approval of plans and specifications, the village officials shall issue a permit for the prosecution of the work, a copy of which permit shall be prominently displayed so as to be visible from a street at the construction site at all times until the completion of the work.

(Prior Code, § 150.35) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.041 PLANS TO BE KEPT ON PREMISES; LIMITS OF CONSTRUCTION SITE.**

(A) An approved copy of the plans and specifications for the work shall be kept on the premises at all times until the work is completed.

(B) During the course of the work, survey pins showing the limits of the construction site shall be so maintained as to be readily seen.

(Prior Code, § 150.36) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.042 REVOCATION; STOP ORDER.**

Permits hereunder may be revoked and the work permitted thereby stopped by the village officials at any time it is discovered a false statement or misrepresentation as to a material fact has been made in the application for the permit, or in the plans and specifications connected therewith, or upon failure to follow, or deviation from, the approved plans and specifications, or from the requirements of this chapter. The stop order may be in writing directed to the owner, lessee, architect, engineer, or builder or the agent of any of them, or may be by notice posted at the construction site.

(Prior Code, § 150.37) (Ord. 145, passed 9-16-1974)

**§ 150.043 EXPIRATION OF PERMIT.**

(A) Work shall be commenced within 90 days after the date a permit is issued, failing which the permit shall be void.

(B) Work under the permit shall be prosecuted without unreasonable delay and if suspended for a period of 90 days without permission of the village officials the permit shall expire.

(Prior Code, § 150.38) (Ord. 145, passed 9-16-1974)

**§ 150.044 PERMIT FEES.**

(A) *Generally.* The following fees shall be paid to the Building Inspector prior to the issuing of building permits.

(B) *Fees.*

(1) The permit fee for construction of separate buildings or structures, including attached private garages or breezeways upon residential property and for additions to property is \$.10 per square foot, excepting a fee of \$10 for fences, driveways, and buildings under 100 square feet;

(2) The permit fee for alterations or repairs to existing buildings including the repair of fire damage shall be \$5 for the first \$1,000 of estimated cost or valuation thereof, plus \$1.75 for each additional \$1,000 of estimated cost or valuation thereof;

(3) The permit fee for the construction of a private garage upon existing residential property shall be \$20; and

(4) For copies of the zoning code, \$25.  
(Prior Code, § 150.39) (Am. Ord. 529, passed 5-1-2000)

***VARIANCES***

**§ 150.055 AUTHORITY.**

The Village Administrator shall decide variations from the provisions of the building code that are in harmony with its general purpose and intent and shall grant the variances only in those instances where the strict application thereof would not further the purposes set forth in § 150.002.  
(Ord. 519, passed 3-15-1999)

**§ 150.056 INITIATION.**

An application for a variation shall be made in writing to the Village Administrator contemporaneously with the application for permit pursuant to § 150.036. The application for building permit shall contain a copy of the application for variance.  
(Ord. 519, passed 3-15-1999)

**§ 150.057 PROCESSING.**

The Village Administrator shall act upon the application within a reasonable time, and in case of disapproval shall report the reasons for the same in writing to the applicant. There shall be no right to appeal from the decision of the Village Administrator.  
(Ord. 519, passed 3-15-1999)

***BUILDING REQUIREMENTS*****§ 150.070 GRADE MARKING OF LUMBER.**

(A) All structural lumber and plywood shall carry the grade marking of an authorized grade agency.

(B) The stamp shall contain:

(1) Grade rules agency;

(2) Grade of lumber;

(3) Species; and

(4) Manufacturer.

(Prior Code, § 150.50) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.071 FIRE RESISTANCE RATING OF CEILINGS.**

All buildings that have unprotected floors or roofs, or both, shall be protected with ceilings which shall have a fire resistance rating of not less than 1 hour with the exception of buildings with industrial occupancies, 1- and 2-family dwellings, heavy timber construction, buildings provided with approved sprinkler systems, and detached private garages.

(Prior Code, § 150.51) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.072 BATHROOMS AND LAVATORIES.**

In every building where there is human occupancy or employment, toilet rooms with water closets, urinals, and lavatories shall be provided as applicable by the plumbing code. Both hot and cold water shall be provided to all lavatories, bathtubs, and showers. Water closets and urinals shall be placed in rooms or compartments which are devoted exclusively to toilet facilities. Partitions enclosing toilet rooms shall be solid except for the entrance door, and shall extend from the floor to the ceiling. Partitions separating water closets or urinals within a toilet room shall not extend to the ceiling but shall be so constructed as to permit circulation of air throughout the room. All toilet rooms shall be provided with workable exterior windows or electrical exhaust fans to the exterior as applicable to the heating and ventilating code.

(Prior Code, § 150.52) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.073 SURFACE AND SUBSOIL DRAINAGE.**

Adequate surface and subsoil drainage around and beneath structures shall be provided in such manner that the same is not collected and directed onto adjacent property. No footing tile, downspout, or surface drains shall be connected directly or indirectly to a sanitary sewer.  
(Prior Code, § 150.53) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.074 EXTERIOR STAIRWAYS; FIRE ESCAPES.**

Open exterior stairways or fire escapes used in connection with residential occupancies shall not be permitted to be constructed above the first floor level.  
(Prior Code, § 150.54) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.075 FEES PAID BEFORE ISSUANCE OF PERMIT.**

Permit fees shall be paid before the permit is issued and shall be computed as set forth in the provisions of § 150.044, which included parking lots, driveways, and all site work.  
(Prior Code, § 150.55) (Ord. 145, passed 9-16-1974)

**§ 150.076 REGULAR INSPECTIONS; REINSPECTIONS FEES.**

(A) Regular inspections shall be made by the village officials or their authorized agents during the progress of construction work.

(B) At the time of the issuance of a building permit, the village officials shall issue to the applicant request for progress inspection cards which shall be used by the person performing the work to notify the village officials first when the footings and foundation are completed, secondly when the structure is framed, and thirdly upon final completion and inspections shall be accomplished at each of those stages, and if the work is approved, the person making the inspection shall endorse such fact upon the permit.  
(Prior Code, § 150.56) (Ord. 145, passed 9-16-1974)

**§ 150.077 POLE BUILDING CONSTRUCTION.**

The type of construction which is commonly known as pole building construction is prohibited except in industrial zones where the structures may be used only for the storage of noncombustible material. Permits for the same shall be accompanied with plans and specifications as is required for other structures.  
(Prior Code, § 150.57) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.078 FOOTINGS; CRAWL SPACE.**

Adequate footings extending a minimum of 3 feet below grade shall be provided for all buildings and structures except accessory buildings the footings for which shall extend not less than 18 inches below grade. Where a crawl space is provided, it shall be not less than 30 inches in height measured between the bottom of floor joists and ground.

(Prior Code, § 150.58) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.079 FELT OR TAR PAPER PROHIBITED.**

Felt paper or tar paper shall not be used on the exterior of a building as a finish material.

(Prior Code, § 150.59) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

**§ 150.080 BOND; REQUESTING REVIEW BY VILLAGE BOARD.**

(A) Notwithstanding any other provisions of this chapter or any other ordinance of the village whenever site improvements are shown or required to be shown on plans upon which a building permit is, or building permits are, to be issued, the application for the permit, before the same is issued, shall be required to furnish the village to be filed with the Village Clerk, a bond, with penalty in an amount approved by the Board of Trustees to be sufficient to pay the costs of the improvement in the event of default, and in form and with security in conformance with that required by the Subdivision Ordinance and approved by the Village Attorney and further conditioned upon the furnishing and installation and construction of the site improvements in compliance with the plans and with applicable ordinances, rules, regulations, and standards within a reasonable period to be determined by the Board of Trustees not to exceed 2 years from the date of the bond. Successive bonds for additional periods may be authorized by the Board of Trustees upon reasonable request. No bond shall be required hereunder for improvements, the furnishing, installation, or construction of which are a part of the condition of the bond furnished pursuant to the requirement of a provision or an ordinance other than this code, or the permit or permits are for the construction of a single-family dwelling being built separately and not as a part of the development of a group of the dwellings.

(B) The Village Administrator is authorized to promulgate and enforce by administrative order, rules, and regulations for the administration of the provisions of division (A) above. A copy of the rules and regulations shall be filed with the Board of Trustees upon promulgation. Any person affected by the application and enforcement of the rules may request review by the Board of Trustees by, within 10 days from the date of any decision thereunder, filing the request in writing with the Village Clerk specifying the decision sought to be reviewed.

(Prior Code, § 150.60) (Ord. 145, passed 9-16-1974; Am. Ord. 147, passed 11-4-1974)



***BILLBOARDS***

**§ 150.095 PROVISIONS OF ZONING CODE APPLY.**

Billboards, sign board, and electrical signs shall be subject to provisions of the zoning code. (Prior Code, § 150.70) (Ord. 145, passed 9-16-1974)

**§ 150.096 REQUIREMENTS FOR SUSPENSION OF DISPLAY SIGN OVER STREET; BOND; INSURANCE.**

The owner or person in control of a display sign suspended over a street or extending into a street more than 15 inches beyond the building line, shall execute a corporate surety bond in the sum of \$30,000 to be approved by the village, indemnifying the village, against all loss, cost, damage, or expense to person or property incurred or sustained by or recovered against the municipality by reason of the construction or maintenance of the display sign. In lieu thereof, the person may file with the village a public liability insurance policy with the village as the named insured, indemnifying the village against loss or damage to person or property in the minimum amount of \$100,000 for any 1 person for bodily injury or death; \$300,000 for liability in any 1 accident for bodily injury or death; and property damage in the amount of \$50,000. The policy must provide that the village shall receive at least 10-days' notice prior to any cancellation.

(Prior Code, § 150.71) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

***RETAIL SHOPS***

**§ 150.110 NUMBER OF RESTROOMS REQUIRED.**

(A) The serving of food in a retail shop in the village, when referred to in this section, shall be defined as the sale of food on the premises and providing by the operator of the premises of facilities on the premises where it may be consumed by the purchaser.

(B) (1) Small retail shops which are located in a shopping mall or other places where adequate public restrooms are otherwise available shall provide the number of restrooms in those shops set forth in the following schedule:

<i>Shop Area</i>	<i>Number of Toilet Rooms</i>
0 - 500 square feet	None
Over 500 square feet	1

(2) However, no food shall be served in any shop with a shop area of 0 to 500 square feet having less than 1 restroom, and further providing that no food shall be served in any shop with a shop area of 500 to 2,500 square feet having less than 2 restrooms.

(Prior Code, § 150.80) (Ord. 186, passed 4-17-1978; Am. Ord. 190, passed 8-21-1978; Am. Ord. 283, passed 7-16-1984) Penalty, see § 150.999

#### **§ 150.111 VALUATION OF COST OF FINISHING RETAIL SHOPS FOR PERMIT PURPOSES.**

The cost of finishing retail shops which are located in an enclosed shopping mall for building permit purposes shall be determined by valuing the improvement at \$30 per square foot for the square footage of the enclosure.

(Prior Code, § 150.81) (Ord. 192, passed 8-21-1978)

### ***EROSION CONTROL DURING CONSTRUCTION***

#### **§ 150.125 STOCKPILING OF EXCAVATED SOIL.**

The owner shall cause excavated soil or stored fill to be placed away from any downslope street, driveway, stream, ditch, or drainage way so as to prevent soil runoff. Soil piles shall be seeded with a temporary grass such as annual rye or winter wheat.

(Ord. 515, passed 12-21-1998) Penalty, see § 150.999

#### **§ 150.126 TEMPORARY CONSTRUCTION ACCESS DRIVE.**

The owner shall cause to be constructed as soon as practicable after the start of construction, a single access drive using 2- to 3-inch aggregate 6 inches deep with a minimum width of 7 feet. The driveway shall run from the adjacent street to the foundation, or 50 feet, whichever is less.

(Ord. 515, passed 12-21-1998) Penalty, see § 150.999

**§ 150.127 CLEANUP OF TRACKED OR WASHED SOIL.**

(A) The owner shall be responsible to cause all soil tracked from the construction site onto public streets or sidewalks to be cleaned up by the end of each work day.

(B) By the end of the next work day after a rainstorm, the owner shall cause soil which has been washed from the construction site onto public streets or sidewalks to be cleaned up.

(Ord. 515, passed 12-21-1998) Penalty, see § 150.999

**§ 150.128 SEEDING OF BARE SOIL.**

The owner shall cause bare soil on a construction site to be seeded, sodded, or mulched as soon as is practicable. If seeding cannot be accomplished before September 1 or sodded before November 15, straw bales or silt fences shall be placed to prevent soil erosion during winter months.

(Ord. 515, passed 12-21-1998) Penalty, see § 150.999

**§ 150.998 VIOLATION; REMEDY.**

(A) Whenever the village officials find that a building or structure, or any work in connection therewith, the erection, construction, or alteration, execution, or repair of which is regulated, permitted, or forbidden by this chapter, is being erected, constructed, altered, or repaired, in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder he or she may serve a written notice or order upon the person responsible therefor directing discontinuance of the illegal action and the remedying of the condition that is in violation of the provisions or requirements of this chapter, or other ordinances.

(B) In case the notice or order is not promptly complied with, appropriate action or proceeding shall be commenced to restrain, correct, or remove the violation, or the execution of work thereon, or to prevent the occupation or use of the building or structure erected, constructed, altered, or repaired in violation of, or not in compliance with, the provisions of this chapter, or with respect to which the requirements thereof or of any order or direction made pursuant to provisions contained therein, shall not have been complied with.

© Whenever in the opinion of the village officials, by reason of defective or illegal work in violation of a provision or requirement of this chapter, the continuance of a building operation is contrary to public health, safety, or welfare, he or she may order, either orally or in writing, all further work to be stopped and suspended until the condition in violation has been remedied. The owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work shall be notified and all other work shall be stopped until the order is removed.

(Prior Code, § 150.98) (Ord. 145, passed 9-16-1974)

**§ 150.999 PENALTY.**

(A) (1) Any person, firm, or corporation who violates, omits, neglects, or refuses to comply with the provisions of this chapter shall, upon conviction thereof be fined not more than \$500 for each offense.

(2) Every day that the violation is not corrected or is not made to conform with the provisions of this chapter shall be a separate and distinct offense.

(Ord. 145, passed 9-16-1974)

(B) Any person, firm, or corporation who shall violate any of the provisions of § 150.110 shall, upon conviction, be fined not less than \$5 or more than \$200 for each offense. Each day on which a violation occurs or continues shall be considered as a separate offense.

(Ord. 186, passed 4-17-1978)

(Prior Code, § 150.99)

## **CHAPTER 151: OFF-STREET PARKING FACILITIES**

### Section

- 151.01 Title
- 151.02 Purpose
- 151.03 Certain standards required
- 151.04 Written notice; correcting violation

- 151.98 Violations
- 151.99 Penalty

### **§ 151.01 TITLE.**

This chapter shall be known and may be cited as the off-street parking facilities chapter.  
(Prior Code, § 151.01) (Ord. 162, passed 1-5-1976)

### **§ 151.02 PURPOSE.**

The purpose of this chapter is to provide for the proper regulation of construction, equipping, and installation of off-street parking facilities in the village, and provide penalties for the violation of this chapter.  
(Prior Code, § 151.02) (Ord. 162, passed 1-5-1976)

**§ 151.03 CERTAIN STANDARDS REQUIRED.**

(A) *Generally.* Whenever off-street parking facilities are required by any ordinance of the village, or are constructed for any purpose within the village, the following standards shall apply.

(B) *Standards.*

(1) Off-street parking facilities shall be effectively screened on any side which adjoins premises situated in any residence zone by either a solid, uniformly painted fence or wall not less than 4 screening of hedge or other natural landscape not less than 4 feet nor more than 6 feet in height, the space between the fence, and the adjoining lines of premises situated in residence zones shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition.

(2) All off-street parking facilities shall, before surfacing, be graded and drained to dispose of all surface water without damage to adjacent premises.

(3) All lighting for off-street parking facilities shall be arranged so that the source is not visible from, and no glare is reflected upon, any adjoining premises in residential zones.  
(Prior Code, § 151.03) (Ord. 162, passed 1-5-1976) Penalty, see § 151.99

**§ 151.04 WRITTEN NOTICE; CORRECTING VIOLATION.**

Any person found to be violating any provision of this chapter shall be served by the village with written notice stating the nature of the violation and providing a reasonable time limit, not less than 5 days nor more than 30 days, for the period of time stated in the notice, to permanently cease all violations of this chapter.

(Prior Code, § 151.04) (Ord. 162, passed 1-5-1976) Penalty, see § 151.99

**§ 151.98 VIOLATIONS.**

Any person violating any provision of this chapter shall become liable to the village for any expense, loss, or damage occasioned by the village by reason of that violation, in addition to any fine provided for herein.

(Prior Code, § 151.98) (Ord. 162, passed 1-5-1976) Penalty, see § 151.99

**§ 151.99 PENALTY.**

Any person who shall continue any violation beyond the effective date of this chapter (1-6-1976) shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$10 nor more than \$50 for each violation. Any person convicted of a second or subsequent violation of this chapter within a 3-year period shall be fined not less than \$50 nor more than \$200 upon the second or subsequent conviction within the 3-year period. Each day in which such violation shall continue shall be deemed a separate offense, for both the first and subsequent offenses.

(Prior Code, § 151.99) (Ord. 162, passed 1-5-1976)





## CHAPTER 152: STORM WATER MANAGEMENT

### Section

#### *General Provisions*

- 152.01 Application
- 152.02 Drainage plan drawings
- 152.03 Maximum allowable run-off
- 152.04 Collection of flows
- 152.05 Design formula
- 152.06 Minimum detention outlet size
- 152.07 Detention storage requirement
- 152.08 Detention pond design criteria
- 152.09 Retention pond design criteria
- 152.10 Maintenance responsibilities
- 152.11 Definitions

#### *National Pollution Discharge Elimination System*

- 152.20 Statement of purpose
- 152.21 Definitions
- 152.22 Land disturbance permits required
- 152.23 Building permit
- 152.24 Exemptions
- 152.25 Waivers
- 152.26 Conditions for waiver
- 152.27 Land disturbance permit not to be issued where waiver is required
- 152.28 Application for a land disturbance permit
- 152.29 Review and approval of application
- 152.30 Performance bond or performance security
- 152.31 Permit duration
- 152.32 BMP Manual for Storm Water Pollution Prevention Plans
- 152.33 Standards and performance criteria for Storm Water Pollution Prevention Plans
- 152.34 Erosion and Sediment Control Plan requirements
- 152.35 Storm Water Management Plan requirements
- 152.36 Landscaping and stabilization requirements
- 152.37 Construction maintenance, inspection and reporting responsibility
- 152.38 Records of installation and maintenance activities
- 152.39 Failure to meet or maintain design or maintenance standards
- 152.40 Existing locations and developments

- 152.41 Inspection of existing facilities
- 152.42 Illicit discharges
- 152.43 Prohibition of illicit connections
- 152.44 Elimination of storm water pollutants by the use of best management practices
- 152.45 Notification of spills
- 152.46 Enforcement authority
  
- 152.99 Penalty

### ***GENERAL PROVISIONS***

#### **§ 152.01 APPLICATION.**

A combination of storage and controlled release of storm water run-off shall be required to be constructed and maintained in the following:

(A) All residential subdivision development within the corporate limits or subject to the provisions of the subdivision ordinance of the village, excepting minor subdivisions as defined therein.

(B) Commercial, business or office and research development.

© Any planned unit development.  
(Ord. 744, passed 4-21-2008)

#### **§ 152.02 DRAINAGE PLAN DRAWINGS.**

(A) A drainage plan shall be filed with the preliminary plat for residential subdivisions and planned unit developments and shall be filed and approved prior to the issuance of a building permit for commercial, business, office and research developments.

(B) The drainage plan shall include engineering drawings and supporting calculations, which describe existing storm water drainage systems and environmental features, as well as the drainage system and changes to the environmental features which are proposed before development of the property.

© The drainage plan shall contain the following:

(1) Topographic survey of the property at 2 foot contours or spot elevations that adequately define drainage.

- (2) Banks and centerline of streams and channels.
- (3) Shoreline of lakes, ponds and detention basins.
- (4) Farm drains and tiles.
- (5) Sub-watershed boundaries within the property.
- (6) Property's location within larger watershed.
- (7) Location, size, and slope of storm water conduits and drainage of water.
- (8) Sanitary sewers.
- (9) Delineation of upstream and downstream drainage features and watersheds which might be affected by the development.
- (10) Retention/detention facilities.
- (11) Roads, streets, inlets, and storm sewers.
- (12) Site plan with lots, public improvements, drainage easements, and building outlines.
- (13) Base flood elevation and regulatory floodway where identified for the property.
- (14) Drainage certificate signed by a professional engineer and owner.
- (15) Preparation of Stormwater Management Plan: All computations, plans, and specifications related to the implementation of this plan must be prepared and sealed by a professional engineer registered with the State of Illinois.  
(Ord. 744, passed 4-21-2008)

**§ 152.03 MAXIMUM ALLOWABLE RUN-OFF.**

Maximum allowable run-off shall be limited to:

- (A) One cfs/acre (1 cubic foot per second per acre) for development on unimproved sites of 2 acres or less.
- (B) The flow that would occur during a 5-year storm under existing conditions for any undeveloped sites larger than 2 acres.

(C) Developed sites undergoing redevelopment or expansion:

(1) If the impervious area is increased by 30% or more, then outflow from the entire site shall not exceed what would occur for a 5-year storm under existing conditions.

(2) If the impervious area is increased by less than 30%, then detention shall be provided for only the impervious area that is increased.

(D) Such flows that will not cause damage or exceed the capacity of any downstream drainage facilities within the village.

(Ord. 744, passed 4-21-2008; Am. Ord. 954, passed 9-8-2015)

#### **§ 152.04 COLLECTION OF FLOWS.**

All flows shall be collected on-site by a lateral storm sewer system provided by the developer and shall be a minimum 12 inch diameter pipe where access to a storm sewer is available.

(Ord. 744, passed 4-21-2008)

#### **§ 152.05 DESIGN FORMULA.**

Unless otherwise approved by the Village Trustees, the Modified Rational Method shall be used for the run-off analysis.

(Ord. 744, passed 4-21-2008)

#### **§ 152.06 MINIMUM DETENTION OUTLET SIZE.**

Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of 6 inches. If the minimum size permits release rates greater than those specified, alternative outlet designs shall be utilized which incorporate self-cleaning flow restrictors.

(Ord. 744, passed 4-21-2008)

**§ 152.07 DETENTION STORAGE REQUIREMENT.**

The design maximum storage to be provided in a detention basin shall be based on the run-off from a 100-year storm. Detention storage shall be computed using the Modified Rational Method as outlined in Chapter 12 of the Illinois Division of Highway Standards Drainage Manual.  
(Ord. 744, passed 4-21-2008)

**§ 152.08 DETENTION POND DESIGN CRITERIA.**

A detention pond shall be defined as an area designated to store excess run-off temporarily with no permanent pool and shall incorporate the following design criteria:

(A) A minimum 2% bottom slope or implementation of a low flow system or underdrain.

(B) A low flow by-pass system wherever feasible.

© Be located at least 1 foot from the property line.

(D) Have 3:1 or flatter side slopes.

(E) Provide a minimum of 2 feet of freeboard or 50% of the maximum pond depth whichever is less.

(F) Energy dissipation and erosion control for areas where velocities meet or exceed 6 feet/sec.

(G) Emergency overflow designed to pass the peak inflow which would occur in a 100-year storm.

(H) Landscaping and multiple use shall be considered in all pond designs.

(I) Subdivision detention ponds shall be incorporated into multiple properties to encourage maintenance or shall incorporate recreational use and be the responsibility of a Home Owner's Association

(J) Provisions shall be provided to allow ease of clearing outlet structures.

(K) Flows from ponds shall be deposited directly into an approved storm sewer system where available.

(L) Facilities adjacent to a state highway may design for all flows entering the highway system on IDOT standards for stormwater run-off.  
(Ord. 744, passed 4-21-2008)

**§ 152.09 RETENTION POND DESIGN CRITERIA.**

A retention pond shall be defined as a permanent pool with sufficient capacity to store excess run-off and shall incorporate the following design criteria:

(A) Shall be designed so that a significant flush occurs in a 5-year storm.

(B) Approaching slopes are a maximum 5:1 or flatter.

© The pond shall have a shelf area along the sides, a minimum of 3 feet in width and a depth of no more than 1 foot before the pond pool area.

(D) The pond area shall be a minimum of 3 feet in depth.

(E) A two-stage weir shall be incorporated. First stage to allow flushing of the pond and second stage to limit the outflow for detention. Pond size shall be designed so that a significant flush occurs in a 5-year storm.

(F) The pond shall incorporate an emergency overflow able to pass the inflow that would occur in a 100-year storm.

(G) The pond shall be designed so that as much flow as possible shall enter the pond through grass swales or sheet flow across grass areas.

(H) Developer shall submit a maintenance plan for sediment removal and water quality control.

(I) A structure capable of dewatering the pond within 48 hours shall be incorporated into the pond design.

(Ord. 744, passed 4-21-2008)

**§ 152.10 MAINTENANCE RESPONSIBILITIES.**

(A) *Commercial development.* Maintenance of all structures, conduits, and pooling areas required to convey flow or provide detention for the development shall be the maintenance responsibility of the owner to its connection to a village-owned system or its release onto right-of-way. A signed drainage covenant as provided by the village shall be provided prior to site plan approval.

(B) *Residential development.*

(1) Pond area shall be a part of buildable lots and shall be maintained by adjacent residents. All conduits and structures shall be placed in easements and shall be the responsibility of the village.

(2) Pond areas not incorporated into buildable lots shall be designated as a recreation area and shall be the responsibility of a home owner's association. Proof of home owner's association requirements and responsibilities shall be submitted with preliminary plat.

(3) Regional detention retention basins not incorporated into buildable lots and owned by the village shall be designated a public recreation area and shall be the responsibility of the village. (Ord. 744, passed 4-21-2008)

**§ 152.11 DEFINITIONS.**

The following definitions shall apply to the Stormwater Management Plan:

**BASE FLOOD.** A flood having a 1% chance of being equaled or exceeded in any given year.

**DETENTION POND.** See § 152.08.

**DRY BOTTOM RESERVOIR.** An earthen detention basin constructed so that it drains completely after the rainstorm and associated flows subside.

**EXCESS STORM WATER RUN-OFF.** That portion of storm water run-off resulting from the proposed land use and which exceeds the run-off from the existing land use for a storm with the 5-year average recurrence interval.

**FIVE-YEAR RAINFALL.** A precipitation event have a 20% chance of occurring in any 1 calendar year.

**FLOODPLAIN.** That land area susceptible to being inundated temporarily by floodwater from an adjacent watercourse.

**FLOODWAY.** The channel of a river or other watercourse that must be reserved for passage of the base flood.

**IMPERVIOUS AREA.** This would be an area that will not absorb water in a developed site such as a parking lot, driveway, roof area, sidewalk, etc.

**PARKING LOT DETENTION.** Parking lots may be utilized for stormwater detention with the following restrictions:

(1) There should be no more than 7 inches of water depth in remote areas of the parking lot or 4 inches in heavy traffic areas under design storm conditions.

(2) The parking lot may not violate appropriate provisions of other ordinances governing their design and operation.

**PROTECTED CHANNEL.** A channel which receives storm water discharge and is constructed of pavement, rip-rap or man-made materials to reduce the potential for erosion.

**RESERVOIR.** The place where water is collected and kept in quantity for use or for later release for a beneficial purpose.

**RETENTION POND.** See § 152.09.

**STORM WATER CHANNEL.** A natural or man-made open watercourse with definite bed and banks which periodically or continuously contains moving water, or forms a connecting link between 2 bodies of water.

**STORM WATER RUN-OFF.** That fraction of the water resulting from precipitation which flows from the served land during and immediately after the rainfall.

**STORM WATER RUN-OFF RELEASE RATE.** The rate at which storm water run-off is released from dominant to servient land or, in the case of detention, the discharge rate from the detention facility. (Ord. 435, passed 7-18-94; Am. Ord. 744, passed 4-21-2008)

### ***NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM***

#### **§ 152.20 STATEMENT OF PURPOSE.**

The purpose of this subchapter is to protect, maintain and enhance the environment of the village and the public health, safety and welfare of the citizens of the village by controlling discharges of pollutants to the village's storm water system, by maintaining and improving the quality of the receiving waters into which the storm water outfall flows, including, without limitation, lakes, rivers, streams, ponds, wetlands and groundwater of the village and to enable the village to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations for storm water discharges in 40 C.F.R. 122.26. (Ord. 763, passed 12-15-2008)

#### **§ 152.21 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGRICULTURAL.** Related to or used for the production of food and fiber, including but not limited to, general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production and wild crop harvesting and includes lands used for on-site buildings and other structures necessary to carry out such activities.



**AS BUILT PLANS.** Drawings depicting conditions as they were actually constructed.

**BEST MANAGEMENT PRACTICES or BMPs.** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**CHANNEL.** A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

**COMMENCEMENT OF CONSTRUCTION.** The initial disturbances of soils associated with clearing, grading, or excavating activities or other construction activities.

**COMMUNITY WATER.** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the village.

**CONSTRUCTION SITE EROSION CONTROL.** Preventing or reducing soil erosion and sedimentation from land disturbing activity, whether naturally occurring or acting in connection with or promoted by human-made activities or effects.

**CONTAMINANT.** Any physical, chemical, biological, or radiological substance or matter in water.

**DESIGN STORM EVENT.** A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a storm water facility.

**DISCHARGE.** Dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

**EASEMENT.** An acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

**EROSION (SOIL EROSION).** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**EROSION AND SEDIMENT CONTROL PLAN.** A written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

**EXCAVATION.** Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the resulting conditions.

**EXISTING DEVELOPMENT.** Buildings and other structures and impervious area existing prior to ordinance adoption.

**FILL.** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions

**FINAL STABILIZATION.** Soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of, at least, 70% the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent stabilization measures (such as the use of riprap, gabions or geotextiles) have been employed.

**HOT SPOT** or **PRIORITY AREA.** An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

**ILLICIT CONNECTIONS.** Illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system.

**ILLICIT DISCHARGE.** Any discharge to the municipal separate storm sewer system that is not composed entirely of storm water and not specifically exempted in § 152.42 of this subchapter.

**IMPERVIOUS SURFACE.** Any land cover that prevents rain or melting snow from soaking into the ground, such as roofs (including overhangs), roads, sidewalks, patios, driveways and parking lots. For purposes of this chapter, all road, driveway or parking surfaces including gravel surfaces shall be considered impervious, unless specifically designed to encourage infiltration and approved by the local approval authority.

**INCIDENT OF NONCOMPLIANCE** or **ION.** Any violation of the Storm Water Pollution Prevention Plan observed during an inspection at a construction site.

**LAND DISTURBING ACTIVITY.** Any land alterations or activities that may result in soil erosion, sedimentation, or change in runoff including but not limited to removal of ground cover, grading, excavating, and filling of land.

**MAINTENANCE.** Any activity necessary to keep a storm water facility in good working order so as to function as designed. **MAINTENANCE** shall include complete reconstruction of a storm water facility if reconstruction is needed to restore the facility to its original operational design parameters. **MAINTENANCE** shall also include the correction of any problem on the site property that may directly impair the functions of the storm water facility.

**MAINTENANCE AGREEMENT.** A document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)(MUNICIPAL SEPARATE STORM WATER SYSTEM ).** The conveyances owned or operated by the municipality for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT or NPDES PERMIT.** A permit issued pursuant to 33 U.S.C. 1342.

**NEW DEVELOPMENT.** Structural development, including construction of a new building or other structures; expansion or alteration of an existing structure that results in an increase in the surface dimensions of the building or structure; land-disturbing activities; or creation or expansion of impervious surface.

**NON-STRUCTURAL BMPs.** Institutional and pollution prevention type practices through education and source control recycling, and maintenance that prevent pollutants from entering storm water runoff or reduce the volume of storm water requiring management.

**NOTICE OF INTENT or NOI.** Submitting the required documentation to the Illinois Environmental Protection Agency for the authorization to discharge storm water from a construction site.

**NOTICE OF TERMINATION or NOT.** Submitting the required documentation to the Illinois Environmental Protection Agency where a construction site has been finally stabilized and all storm water discharges from the construction site authorized under a notice of intent are eliminated.

**OFF-SITE FACILITY.** A structural BMP located outside the subject property boundary described in the permit application for land development activity.

**ON-SITE FACILITY.** A structural BMP located within the subject property boundary described in the permit application for land development activity.

**PEAK FLOW.** The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

**PERSON.** Any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

**PERVIOUS SURFACE.** Any land cover that permits rain or melting snow to soak into the ground.

**PRIORITY AREA.** See definition for **HOT SPOT**.

**QUALIFIED PERSON or QUALIFIED PERSONNEL.** A person or personnel knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer or other knowledgeable person who possesses the skills to assess conditions at the construction site that

could impact storm water quality and to assess the effectiveness of any erosion and sediment control measures selected to control the quality of storm water discharges from the construction activities.

**RUNOFF.** That portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm water system.

**SEDIMENT.** Solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest at a different site.

**SEDIMENTATION.** The deposition of eroded soils at a site different from the one where the erosion occurred.

**SITE.** The bounded area described in an Erosion Control Plan or Storm Water Management Plan.

**SOILS REPORT.** A study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified person, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

**STABILIZATION.** Providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

**STORM EVENTS.** The runoff, rainfall or flood occurrence having a probability of being equaled or exceeded in any given year (for example, a 2-year event has a 50% probability of being equaled or exceeded in a given year; a 10-year event has a 10% probability; a 100-year event has a probability of 1%; and so on).

**STORM WATER.** The flow of water which results from, and which occurs during and immediately following, a rainfall, snow, or ice-melt event.

**STORM WATER MANAGEMENT.** Any measures taken to permanently reduce or minimize the negative impacts of storm water runoff after land development activities.

**STORM WATER MANAGEMENT PLAN.** The set of drawings and other documents including the **EROSION AND SEDIMENT PLAN** and the **STORM WATER POLLUTION PREVENTION PLAN (SWPPP)** that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques to be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.

**STORM WATER MANAGEMENT SYSTEM.** All publicly or privately owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

***STORM WATER POLLUTION PREVENTION PLAN or SWPPP.*** A written document which describes the best management practices and activities to be implemented to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable and assure compliance with NPDES Permit No. ILR10 and ILR40.

***STORM WATER RUNOFF.*** The waters derived from rains falling or snow-melt or ice-melt occurring within a drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.

***STRUCTURAL BMPs.*** Practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharges of pollutants from exposed areas of a construction site.

***SURFACE WATER.*** Includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

***TOTAL MAXIMUM DAILY LOAD or TMDL.*** The sum of the individual waste load allocations (WLAs) for point sources and load allocations (LAs) for non-point sources and natural background. If a receiving water has only 1 point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any non-point sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

***WATERCOURSE.*** A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

***WATERSHED.*** All the land area that contributes runoff to a particular point along a waterway. (Ord. 763, passed 12-15-2008)

## **§ 152.22 LAND DISTURBANCE PERMITS REQUIRED.**

Every person shall comply with the village storm water policy. In addition, a land disturbance permit will be required to be obtained from the village in the following cases:

(A) Land disturbing activity disturbs 1 or more acres of land;

(B) Land disturbing activity of less than 1 acre of land if such activity is part of a larger common plan of development that affects 1 or more acre of land;

© Land disturbing activity of less than 1 acre of land, if in the discretion of the village such activity poses a unique threat to water, or public health or safety because the activity by itself or of a cumulative effect negatively impacts water quality;

(D) The creation and use of borrow pits;

(E) The creation and use of soil stockpiles greater than 50 cubic yards in volume.

(Ord. 763, passed 12-15-2008; Am. Ord. 825, passed 6-20-2011) Penalty, see § 152.99

### **§ 152.23 BUILDING PERMIT.**

No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this subchapter.

(Ord. 763, passed 12-15-2008)

### **§ 152.24 EXEMPTIONS.**

The following activities are exempt from the land disturbance permit requirement:

(A) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(B) Additions or modifications to existing single-family structures not subject to the minimum standards as set forth in § 152.22 of this subchapter.

© Existing agricultural use of land involving:

(1) Any activity directly related to the planting, growing and harvesting of agricultural crops:  
or

(2) Implementation of conservation measures approved by the USDA - NRCS and the Macon County Soil and Water Conservation District; or

(3) The construction of agricultural structures not subject to the minimum standards as set forth in § 152.22 of this subchapter.

(D) Industrial activities which have separate NPDES storm water permits currently issued to it and for which they are in compliance.

(Ord. 763, passed 12-15-2008)

### **§ 152.25 WAIVERS.**

Every applicant shall provide a Storm Water Pollution Prevention Plan as required by this subchapter, unless a written request is filed to waive this requirement. Requests to waive the Storm Water Pollution Prevention Plan requirement shall be submitted to the Village Engineer for approval.

(Ord. 763, passed 12-15-2008)

**§ 152.26 CONDITIONS FOR WAIVER.**

The minimum requirements for the Storm Water Pollution Prevention Plan may be waived in whole or in part upon written request of the applicant, provided at least 1 of the following conditions applies:

(A) It can be demonstrated the proposed development is not likely to impair attainment of the objective of this subchapter.

(B) Alternative minimum requirements for on-site management of storm water discharges have been established in a Storm Water Management Plan that has been approved by the Village Engineer.

© Provisions are made to manage storm water by an off-site facility. The off-site facility must be in place and designed to provide the level of storm water control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.

(D) It is demonstrated to the satisfaction of the Village Engineer that the waiver will not lead to any of the following conditions downstream:

- (1) Deterioration of existing culverts, bridges, dams, and other structures;
- (2) Accelerated stream bank or streambed erosion or siltation;
- (3) Increased threat of flood damage to public health, life or property;
- (4) Degradation of biological functions or habitat.

(Ord. 763, passed 12-15-2008)

**§ 152.27 LAND DISTURBANCE PERMIT NOT TO BE ISSUED WHERE WAIVER IS REQUIRED.**

No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a Storm Water Pollution Prevention Plan.

(Ord. 763, passed 12-15-2008)

**§ 152.28 APPLICATION FOR A LAND DISTURBANCE PERMIT.**

(A) Each application shall include the following:

- (1) The name, address, and telephone number of the property owner;

(2) The address and legal description of subject property including the tax parcel number of the subject property;

(3) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the Erosion and Sediment Control Plan;

(4) A description of the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit will be applicable;

(5) A description of the intended sequence of major activities which disturb soils for major portions of the site (such as grubbing, excavation, grading);

(6) The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water(s);

(7) Copy of the notice of intent submitted, if required, to the Illinois Environmental Protection Agency;

(8) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not prohibit the village from imposing additional development requirements and conditions, commensurate with this subchapter, on the development of property covered by those permits.

(B) Each application shall be accompanied by:

(1) A Storm Water Prevention Plan as required by NPDES IL R10 plus the additional information required by the village. The plan shall include:

(a) An Erosion and Sediment Control Plan as set forth in § 152.34 of this subchapter.

(b) A Storm Water Management Plan as set forth in § 152.35 of this subchapter, providing for storm water management during the construction and after the construction has been finished.

(2) Payment of land disturbance permit and other Storm Water Management Pollution Prevention Plan fees, which shall be set by separate resolution or ordinance.

(Ord. 763, passed 12-15-2008)

#### **§ 152.29 REVIEW AND APPROVAL OF APPLICATION.**

(A) The village will review each application for a land disturbance permit to determine its conformance with the provisions of this subchapter. The village shall provide 1 of the following responses to the applicant:



(1) Approval of the permit application;

(2) Approval of the permit application, subject to such reasonable conditions as may be necessary to substantially secure the objectives of this subchapter, and issue the permit subject to these conditions; or

(3) Denial of the permit application, indicating the reason(s) for the denial.

(B) If the village has granted conditional approval of the land disturbance permit, the applicant shall submit a revised plan that conforms to the conditions established by the village. However, the applicant shall be allowed to proceed with his or her land disturbing activity so long as it conforms to conditions established by the village.

(Ord. 763, passed 12-15-2008)

### **§ 152.30 PERFORMANCE BOND OR PERFORMANCE SECURITY.**

(A) (1) The village shall, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit to ensure the permit holder conforms to the conditions and requirements of the approved Storm Water Pollution Prevention Plan. The amount of the performance security or performance bond shall be the total estimated construction cost of the structural and non-structural BMPs approved under the permit plus 10% of the total estimated costs.

(2) The performance security shall contain forfeiture provisions for failure to complete work specified in the Storm Water Pollution Prevention Plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the village. Alternatively, the village shall have the right to calculate the cost of construction cost estimates.

(B) The performance security or performance bond shall be submitted and accepted by the village prior to the issuance of a building permit by the village.

© The performance security or performance bond shall be released in full only upon submission of record drawings and written certification by a registered professional engineer licensed to practice in the State of Illinois that the structural and non-structural BMPs have been installed in accordance with the approved plan and other applicable provisions of this subchapter. The village will make a final inspection of the BMPs to ensure it is in compliance with the approved plan and the provisions of this subchapter prior to the release of the performance bond or performance security. Provisions for a partial pro-rate release of the performance security or performance bond based on the completion of various development stages may be made at the discretion of the village.

(D) Occupation permits will not be granted until all corrections to all BMPs have been made and accepted by the village.

(Ord. 763, passed 12-15-2008)

**§ 152.31 PERMIT DURATION.**

Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within 180 calendar days of issuance, or is not complete within 18 months from the date of the commencement of construction.

(Ord. 763, passed 12-15-2008)

**§ 152.32 BMP MANUAL FOR STORM WATER POLLUTION PREVENTION PLANS.**

(A) Illinois Urban Manual, latest amendment prepared by the United States Department of Agriculture, National Resources Conservation Services. This manual includes a list of acceptable BMPs including the specific design criteria and operation and maintenance requirements for each storm water practice. The manual may be updated and expanded from time to time, at the discretion of the governing body of the municipality, upon the recommendation of the village, based on improvements in engineering science, monitoring and local maintenance experience. Storm water facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presented to comply with requirements of NPDES Permit No. ILR10.

(B) "Illinois Procedures and Standards for Urban Soil Erosion and Sediment Control" commonly referred to as the "Green Book1," latest version, developed through the efforts of the Northeastern Illinois Soil Erosion and Sedimentation Control Steering Committee, chaired by Mr. James K. Michels, P.E.

© Illinois Department of Transportation Erosion Control/NPDES Guidelines.

(D) Village of Forsyth Storm Water Policy.

(E) Other publications pertaining to best management practices and/or erosion and sediment control as may be approved, in writing, by the village.

(Ord. 763, passed 12-15-2008)

**§ 152.33 STANDARDS AND PERFORMANCE CRITERIA FOR STORM WATER POLLUTION PREVENTION PLANS.**

(A) All site design shall control the storm water discharge in compliance with village requirements.

(B) The Storm Water Pollution Prevention Plan shall be designed, at a minimum, for a storm event equal to or greater than a 25-year, 24-hour rainfall event.

© The management practice controls and other provisions contained in the Storm Water Pollution Prevention Plan must be at least as protective as the requirement contained in the Illinois Urban Manual.

(D) Watercourses shall be protected from degradation through the application of recommended design and construction guidelines in the BMP Manual.

(E) Prior to or during the site design process, applicants for land disturbance permits shall consult with the village to determine if they are subject to additional Storm Water Pollution Prevention Plan requirements which may include storm water discharges:

(1) To waters for which there is a TMDL allocation for sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation);

(2) To waters listed in the Illinois 2004 303(d) list. This includes Lake Decatur and its tributaries, the Sangamon River below the Lake Decatur Dam and Stevens Creek;

(3) To critical areas with sensitive resources (such as swimming beaches, recharge areas, water supply reservoirs) that may be subject to additional performance criteria, or may need to utilize or restrict certain storm water pollution prevention practices;

(4) From “hot spots” that may require the application of specific structural BMPs and pollution prevention practices.

(Ord. 763, passed 12-15-2008)

**§ 152.34 EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.**

The Erosion and Sediment Control Plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a qualified person. The plan shall also conform to the requirements found in the BMP Manual, and shall include at least the following:

(A) Project description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(B) A topographic map with contour intervals of 5 feet or less showing present conditions and proposed contours resulting from land disturbing activity.

© All existing drainage ways, including intermittent and wet weather. Include any designated floodways or flood plains.

(D) A general description of existing land covers. Individual trees and shrubs do not need to be identified.

(E) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately.

(F) Approximate limits of proposed clearing, grading and filling.

(G) Approximate flows of existing storm water leaving any portion of the site.

(H) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(I) Location, size and layout of proposed storm water and sedimentation control improvements.

(J) Proposed drainage network.

(K) Proposed drain tile or waterway sizes.

(L) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfall from the development: when water is concentrated, the capacity of waterways, if any, accepting storm water off-site; and what measures, including infiltration, sheeting into buffers, and the like, are going to be used to prevent the scouring of waterways and drainage areas off-site, and the like.

(M) The projected sequence of work represented by the grading, drainage and sedimentation and Erosion Control Plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural or non-structural BMPs.

(N) Specific remediation measures to control erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(O) Specific details for the construction of rock pads wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the village. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the village. Failure to remove the sediment, soil or debris shall be deemed a violation of this subchapter.

(P) Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.

(Q) Requirement that qualified personnel shall inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles or equipment enter or exit the site at least once every 7 calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snowfall.

(Ord. 763, passed 12-15-2008)

### **§ 152.35 STORM WATER MANAGEMENT PLAN REQUIREMENTS.**

The Storm Water Management Plan shall include sufficient information to allow the village to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. To accomplish this goal the Storm Water Management Plan shall be prepared in accordance with the village storm drainage policy and include the following:

(A) Soils information when a storm water management control measure depends on the hydrologic properties of soils (such as infiltration basins), then a soils report shall be prepared by a qualified person and submitted with the plan. The soils report shall be based upon on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(B) An Erosion and Sediment Control Plan must be prepared for all construction activities as set forth in § 152.34 of this subchapter.

(C) A landscaping plan detailing the revegetation of the site after the construction is finished as set forth in § 152.36 of this subchapter.

(D) A maintenance and repair plan for all storm water management facilities to ensure the continued performance of the facilities. The plan shall:

- (1) Identify the parts or components of the facilities that need to be maintained and inspected;
- (2) Provide detailed maintenance and repair procedures for the facilities;
- (3) Identify necessary training, skills, or certification that may be required to maintain, operate or repair any of the facilities;
- (4) Provide that the minimum maintenance and repair needs include, but are not limited to:
  - (a) The removal of silt, litter, landscape waste and other debris which adversely impacts the effectiveness of the facilities;

**Forsyth - Land Usage**

(b) The management of landscaped areas integral to the facilities including the cutting of grass, trimming of bushes and trees or the removal of vegetation, overgrowth that is not incorporated into the Storm Water Management Plan;

(c) The replacement of landscape vegetation and damaged or failed facilities;

(d) The cleaning of storm drainage inlets, pipes and structures;

(e) Revising and implementing revisions or additional maintenance procedures to address inadequacies of the facilities;

(5) Provide for the regular periodic review, inspection and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures. Such reviews and inspections shall be conducted at least once every year after the construction is finished;

(6) Provide for established reporting procedures;

(7) Provide that maintenance needs are addressed in a timely manner.

(E) An executed maintenance agreement as agreed to by the village that assigns the responsibility for compliance with the maintenance plan required in division (D) of this section to the owner of the property on which the storm water facilities are located to ensure compliance with the purpose and requirements of this subchapter. The agreement shall be a part of the owner's declaration and by appropriate notation referenced on the plat and:

(1) Include as part of the agreement the maintenance plan as approved by the village;

(2) Provides that the property owner will arrange to have the periodic inspection of the storm water facilities specified in the maintenance plan conducted by a qualified person who will submit a sealed report of the inspection to the village;

(3) Grant permission to the village to enter the property at reasonable times and inspect the storm water facility to ensure that it is being property maintained;

(4) Provide that the property owner shall be responsible for additional maintenance needs consistent with the needs and standards outlined in the Illinois Urban Manual;

(5) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the village;

(6) Provide that if the property is not maintained or repaired within the prescribed schedule, the village shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the village cost of performing the maintenance shall be a lien against the property.

(F) Dedication of easements necessary to ensure access to the site for the purpose of maintenance and inspection of the storm water management facilities. These easements must be binding for the current property owner and all subsequent owners of the property and must be properly recorded as a commitment against the property.

(G) The village shall have the discretion to accept the dedication of any existing or future storm water management facility, provided such facility meets the requirements of this subchapter, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and repair maintenance. Any storm water facility accepted by the village must also meet the village's construction standards and any other standards and specifications that apply to the particular storm water facility in question.

(Ord. 763, passed 12-15-2008)

**§ 152.36 LANDSCAPING AND STABILIZATION REQUIREMENTS.**

(A) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a plan approved by the village.

(B) A plan for establishing permanent vegetative cover to stabilize disturbed or exposed areas must be submitted with the Storm Water Management Plan. The plan shall describe the vegetative stabilization and management techniques to be used at a site after construction are completed using BMPs. This plan will explain how the site will be stabilized after construction, which will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure adequate vegetative cover is preserved.

(C) Where it is required by the BMP, this plan must be prepared by a registered landscape architect in the State of Illinois.

(Ord. 763, passed 12-15-2008)

**§ 152.37 CONSTRUCTION MAINTENANCE, INSPECTION AND REPORTING RESPONSIBILITY.**

(A) The applicant must notify the village in advance of the commencement of construction.

(B) The applicant shall have inspections of the management practices, controls and other provisions contained in the Storm Water Pollution Prevention Plan conducted by qualified personnel acceptable to the village. The inspections shall be conducted and documented and written reports prepared in accordance with the NPDES Permit No. ILR10 that contain, at a minimum, the following information:

- (1) The date and location of the inspection;
- (2) Name of inspector;

(3) Type of inspection. Whether it is a weekly inspection or following a precipitation event in excess of 0.5 inches;

(4) Name of contractor and, as applicable, subcontractors;

(5) Project name;

(6) NPDES permit number;

(7) Whether all temporary and permanent erosion and sediment controls in the Storm Water Pollution Prevention Plan (SWPPP) or as subsequently directed by the village are in place and in compliance with the SWPPP;

(8) Whether all temporary and permanent erosion and sediment controls that have been installed are operating correctly;

(9) Whether erosion and sediment controls are being properly maintained;

(10) Whether there is tracking of sediment from locations where vehicles and equipment enter and leave project site;

(11) Whether additional controls, adjustments or maintenance directed as a result of previous inspection have been implemented within 7 calendar days;

(12) Any incidents of noncompliance and what corrective action has been undertaken and completed.

(Ord. 763, passed 12-15-2008)

#### **§ 152.38 RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES.**

Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation of the storm water facility, and of all maintenance and repairs to the facility, and shall retain the records for at least 3 years. These records shall be made available to the village during inspection of the facility and at other reasonable times upon request.

(Ord. 763, passed 12-15-2008)

#### **§ 152.39 FAILURE TO MEET OR MAINTAIN DESIGN OR MAINTENANCE STANDARDS.**

If a responsible party fails or refuses to meet the design or maintenance standards required for storm water facilities under this subchapter, the village, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing the necessary work to place the facility in proper working condition. In the event the storm water management facility becomes a danger to public safety



or public health, the village shall notify in writing the party responsible for maintenance of the storm water management facility. Upon receipt of that notice, the responsible person shall have 7 calendar days to affect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the village shall take necessary corrective action. The cost of any action by the village under this section shall be charged to the responsible party.  
(Ord. 763, passed 12-15-2008)

**§ 152.40 EXISTING LOCATIONS AND DEVELOPMENTS.**

The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this subchapter:

(A) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP Manual and on a schedule acceptable to the village.

(B) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(C) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, and the like, to prevent erosion.

(D) Trash, junk, rubbish, and the like shall be cleared from drainage ways.

(E) Storm water runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:

(1) Ponds:

- (a) Detention pond;
- (b) Extended detention pond;
- (c) Wet pond;
- (d) Alternative storage measures;

(2) Constructed wetlands;

(3) Infiltration systems:

- (a) Infiltration/percolation trench;
- (b) Infiltration basin;

- (c) Drainage (recharge) well;
- (d) Porous pavement;
- (4) Filtering systems:
  - (a) Catch basin inserts/media filter;
  - (b) Sand filter;
  - (c) Filter/absorption bed;
  - (d) Filter and buffer strips;
- (5) Open channel: Swale.

(F) The village shall, in writing, notify the owner of existing locations and developments of specific drainage, erosion or sediment problems affecting such locations and developments, the action required to correct those problems, and specify a reasonable time for compliance.  
(Ord. 763, passed 12-15-2008)

#### **§ 152.41 INSPECTION OF EXISTING FACILITIES.**

The village may, to the extent authorized by state and federal law, establish inspection programs to verify that storm water management facilities, including those built before as well as after the adoption of this subchapter, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(Ord. 763, passed 12-15-2008)

#### **§ 152.42 ILLICIT DISCHARGES.**

For all water generated on developed or undeveloped land entering the municipality's separate storm sewer system, no person shall introduce or cause to be introduced into the municipal separate storm

sewer system any discharge that is not composed entirely of storm water. The commencement, conduct or continuance of any non-storm water discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(A) Uncontaminated discharges from the following sources:

- (1) Water line and fire hydrant flushing or other potable water sources;
- (2) Landscape irrigation water or lawn watering with potable water;
- (3) Rising ground water;
- (4) Ground water infiltration;
- (5) Pumped groundwater;
- (6) Discharges from potable water sources;
- (7) Foundation drains;
- (8) Air conditioning condensate;
- (9) Irrigation water, (except for wastewater irrigation);
- (10) Springs;
- (11) Water from crawl space pumps;
- (12) Footing drains;
- (13) Storm sewer cleaning water;
- (14) Water from individual residential car washing;
- (15) Routine external building wash down which does not use detergents;
- (16) Flows from riparian habitats and wetlands;
- (17) Dechlorinated pH neutral swimming pool discharges;
- (18) Residual street wash water;
- (19) Discharges or flows from fire fighting activities;

(20) Dechlorinated water reservoir discharges;

(21) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed); and

(22) Any other uncontaminated water source.

(B) Discharges specified in writing by the village as being necessary to protect public health and safety.

(C) Dye testing is an allowable discharge if the village has so specified in writing.  
(Ord. 763, passed 12-15-2008)

#### **§ 152.43 PROHIBITION OF ILLICIT CONNECTIONS.**

(A) The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.

(B) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(Ord. 763, passed 12-15-2008) Penalty, see § 152.99

#### **§ 152.44 ELIMINATION OF STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

Any person responsible for a property or premises, which is or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(Ord. 763, passed 12-15-2008)

#### **§ 152.45 NOTIFICATION OF SPILLS.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into storm water, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of

such a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the village in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the village within 3 business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 3 years.

(Ord. 763, passed 12-15-2008)

#### **§ 152.46 ENFORCEMENT AUTHORITY.**

The village shall be responsible for enforcing the provisions in this subchapter. The village is also hereby authorized to promulgate such rules and regulations as may be necessary to supplement this subchapter for effective enforcement, provided such rules and regulations shall not be valid until they have been filed in the office of the City Clerk for not less than 10 days before their respective dates.

(Ord. 763, passed 12-15-2008)

#### **§ 152.99 PENALTY.**

(A) Any person violating any provisions of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) It shall be unlawful for any person to commit any act declared unlawful under §§ 152.20 through 152.46, to violate any provision of §§ 152.20 through 152.46, to violate the provisions of any permit issued pursuant to §§ 152.20 through 152.46 or to fail or refuse to comply with any lawful communication or notice to abate or take corrective action as required. Any person or entity found to be in violation of the provisions of §§ 152.20 through 152.46 shall be fined in an amount not less than \$50 or more than \$500 for each offense, and each day upon which a violation occurs or is allowed to continue, or a condition is not brought into compliance after notice, shall be viewed and may be prosecuted as a separate and distinct offense. In addition to the penalties set forth above, the village may issue a stop work order for any person in violation of any provisions of §§ 152.20 through 152.46.

(2) Other remedies. The provisions or imposition of the penalty aforesaid shall not preclude the institution of appropriate action to prevent, abate or stop acts, activities, work or maintenance not in compliance with the provisions of §§ 152.20 through 152.46. In addition to any other remedy that may be provided otherwise, the provisions of §§ 152.20 through 152.46 may be enforced in any appropriate action, by injunction or otherwise.

(Ord. 763, passed 12-15-2008; Am. Ord. 825, passed 6-20-2011)



## CHAPTER 153: SWIMMING POOL SAFETY DEVICES

### Section

- 153.01 Fence enclosures
- 153.02 Protective devices
- 153.03 Fence specifications
- 153.04 Permit required
- 153.05 Compliance; existing pools

### § 153.01 FENCE ENCLOSURES.

Every person owning land within the Village of Forsyth on which there is presently situated an above or below ground swimming pool or who constructs such a swimming pool after the effective date of this chapter either of which is designed to contain 24 inches or more of water in depth at any point, shall erect and maintain thereon an adequate fence either surrounding the property or pool area, sufficient to make the body of water inaccessible to small children. The fence, including gates therein, shall be not less than 4 feet above the underlying ground. All gates shall be self-closing and self-latching with latches placed 54 inches from the bottom of the gate, if placed on the outside, or a minimum of 3 inches below the top of the gate, if placed on the side facing the pool. The gate and barrier shall have no opening greater than ½-inch within 18 inches of the latch release otherwise made inaccessible from the outside to small children.

(Prior Code, § 153.01) (Am. Ord. 715, passed 6-18-2007) Penalty, see § 10.99

### § 153.02 PROTECTIVE DEVICES.

(A) The pool structure of above ground pools may serve as the enclosure and, if less than 4 feet in height, a barrier mounted on top of the pool in conformance with the specifications provided in § 153.01, shall be added to comply with the minimum 4 feet height requirement.

(B) If the property surrounding the above ground pool is not enclosed as specified herein, the steps or ladder shall be enclosed as shown in Figure 1. below with a fence of minimum height of 4 feet constructed in conformance with the specifications provided in § 153.01.

(Prior Code, § 153.02) (Am. Ord. 715, passed 6-18-2007)

**§ 153.03 FENCE SPECIFICATIONS.**

(A) Fences must be 4 feet above ground, measured on the side of the fence which faces away from the pool. Solid fences shall have no indentations or protrusions other than normal construction tolerances and masonry joints. The tops of a fence made of horizontal and vertical members, as shown in Figure 2. below shall be constructed with the following specifications:



(1) If the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be on the swimming pool side of the fence. The spacing of the vertical members shall not exceed  $1\frac{3}{4}$  inches. If there are any decorative cutouts in the fence, the space within the cutouts shall not exceed  $1\frac{3}{4}$  inches.

(2) If the distance between the tops of the horizontal members is more than 45 inches, the horizontal members may be on the side of the fence facing away from the pool. If the distance is less than 45 inches, the horizontal member shall be placed on the side of the fence facing the pool. The spacing between vertical members shall not exceed 4 inches. If there are any decorative cutouts in the fence, the space within the cutouts shall not exceed  $1\frac{3}{4}$  inches.

(3) For a chain link fence the mesh size shall not exceed  $1\frac{1}{4}$  inches square unless slats, fastened at the top or bottom of the fence, are used to reduce mesh openings to no more than  $1\frac{3}{4}$  inches.

(4) For a fence made up of diagonal members latticework the maximum opening in the lattice shall not exceed  $1\frac{3}{4}$  inches.

(B) Natural barriers such as hedges shall not be considered as an adequate fence enclosure as specified in § 153.01. All fence enclosures shall be of a permanent nature and shall be child proof for children 5 years and younger.  
(Ord. 715, passed 6-18-2007)

**§ 153.04 PERMIT REQUIRED.**

No swimming pool as herein defined shall be constructed after the effective date of this chapter without first having obtained a construction permit therefor on a form provided by the Village Clerk.  
(Prior Code, § 153.03) (Am. Ord. 715, passed 6-18-2007) Penalty, see § 10.99

**§ 153.05 COMPLIANCE; EXISTING POOLS.**

Owners of land where there is presently situated an above or below ground swimming pool shall have a period of 2 years from the effective date hereof to comply with the terms of this chapter.  
(ILCS Ch. 65, Act 5, § 11-30-9) (Prior Code, § 153.04) (Ord. 455, passed 10-2-1995; Am. Ord. 715, passed 6-18-2007)



## CHAPTER 154: FLOOD DAMAGE PREVENTION

### Section

- 154.01 Purpose
- 154.02 Definitions
- 154.03 Base flood elevation
- 154.04 Duties of the Building Inspector
- 154.05 Development permit
- 154.06 Preventing increased flood heights and resulting damages
- 154.07 Protecting buildings
- 154.08 Subdivision requirements
- 154.09 Public health and other standards
- 154.10 Carrying capacity and notification
- 154.11 Variances
- 154.12 Disclaimer of liability
- 154.13 Abrogation and greater restrictions

- 154.99 Penalty

### ***Cross-reference:***

*Zoning Code, see Ch. 156*

### **§ 154.01 PURPOSE.**

This chapter is enacted pursuant to the police powers granted to this village by the Illinois Municipal Code (ILCS Ch. 65, Act 5, §§ 1-2-1, 11-12-12, 11-30-2, 11-30-8, and 11-31-2) in order to accomplish the following purposes:

- (A) To prevent unwise developments from increasing flood or drainage hazards to others;
- (B) To protect new buildings and major improvements to buildings from flood damage;
- (C) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- (D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

(E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;

(F) To make federally subsidized flood insurance available; and

(G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(Prior Code, § 154.01) (Ord. 820, passed 5-2-2011; Am. Ord. 2017-5, passed --2017)

## § 154.02 DEFINITIONS.

For the purposes of this chapter, the following definitions are adopted:

**BASE FLOOD.** The flood having a 1% probability of being equaled or exceeded in any given year. The **BASE FLOOD** is also known as the **100-YEAR FLOOD**. The base flood elevation at any location is as defined in § 154.04.

**BASE FLOOD ELEVATION (BFE).** The elevation in relation to mean sea level of the crest of the base flood.

**BASEMENT.** That portion of a building having its floor sub-grade (below ground level) on all sides.

**BUILDING.** A walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

### **CRITICAL FACILITY.**

(1) Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these **CRITICAL FACILITIES** can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

(2) Examples of **CRITICAL FACILITIES** where flood protection should be required include: emergency services facilities (such as police and fire stations), schools, hospitals, retirement homes, and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

***DEVELOPMENT.***

(1) Any man-made change to real estate including, but not necessarily limited to:

(a) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;

(b) Substantial improvement of an existing building;

(c) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;

(d) Installation of utilities, construction of roads, bridges, culverts or similar projects;

(e) Construction or erection of levees, dams, walls, or fences;

(f) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

(g) Storage of materials including the placement of gas and liquid storage tanks; and

(h) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

(2) ***DEVELOPMENT*** does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

***EXISTING MANUFACTURED HOME PARK or SUBDIVISION.*** 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 or buildings to be constructed (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 before the effective date of the floodplain management regulations adopted by a community.

***EXPANSION TO AN EXISTING MANUFACTURED HOME PARK or SUBDIVISION.*** 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 streets, and either final site grading or the pouring of concrete pads.

***FEMA.*** Federal Emergency Management Agency.

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

**FLOOD FRINGE.** That portion of the floodplain outside of the regulatory floodway.

**FLOOD INSURANCE RATE MAP.** A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

**FLOOD INSURANCE STUDY.** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**FLOOD PROTECTION ELEVATION (FPE).** The elevation of the base flood plus 1 foot of freeboard at any given location in the floodplain.

**FLOODPLAIN and SPECIAL FLOOD HAZARD AREA (SFHA).**

(1) These 2 terms are synonymous. Those lands within the jurisdiction of the village, the extraterritorial jurisdiction of the village, or that may be annexed into the village, that are subject to inundation by the base flood. The floodplains of the village are generally identified as such on panel number(s) 180, 186, 187 and 195 of the countywide Flood Insurance Rate Map of Macon County prepared by the Federal Emergency Management Agency and dated June 7, 2017. **FLOODPLAIN** also includes those areas of known flooding as identified by the community.

(2) The floodplains of those parts of unincorporated Macon County that are within the extraterritorial jurisdiction of the village or that may be annexed into the village are generally identified as such on the Flood Insurance Rate Map prepared for Macon County by the Federal Emergency Management Agency and dated June 7, 2017.

**FLOODPROOFING.** Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

**FLOODPROOFING CERTIFICATE.** A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

**FLOOD PROTECTION ELEVATION (FPE).** The elevation of the base flood plus 1 foot of freeboard at any given location in the floodplain.

**FLOODWAY.** That portion of the floodplain required to store and convey the base flood. The **FLOODWAY** for the floodplains of Stevens Creek shall be as delineated on the countywide Flood Insurance Rate Map of Macon County prepared by FEMA and dated June 7, 2017. The floodways for each of the remaining floodplains of the village shall be according to the best data available from federal, state, or other sources.

**FREEBOARD.** An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

**HISTORIC STRUCTURE.** Any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.

(4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

**IDNR/OWR.** Illinois Department of Natural Resources/Office of Water Resources.

**IDNR/OWR JURISDICTIONAL STREAM.** Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department. (Ill. Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in § 154.06.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable 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 requirements of § 154.07.

**MANUFACTURED HOME.** A structure transportable in 1 or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

**MANUFACTURED HOME PARK or SUBDIVISION.** A parcel (or contiguous parcels) of land divided into 2 or more lots for rent or sale.

**NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

**NEW MANUFACTURED HOME PARK or SUBDIVISION.** 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 or buildings to be constructed (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 the floodplain management regulations adopted by a community.

**NFIP.** National Flood Insurance Program.

**RECREATIONAL VEHICLE or TRAVEL TRAILER.** A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less in size;
- (3) Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**REPETITIVE LOSS.** Flood related damages sustained by a structure on 2 separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

**SFHA.** See definition of **FLOODPLAIN**.

**START OF CONSTRUCTION.** Includes substantial improvement and means the date the building permit was issued. This, 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** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, **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.

**STRUCTURE.** See **BUILDING**.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cumulative percentage of damage during a 10-year period equals or exceeds 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. This term includes **REPETITIVE LOSS BUILDINGS** (see definition).



***SUBSTANTIAL IMPROVEMENT.***

(1) Any reconstruction, rehabilitation, addition, or improvement of a structure taking place during a 10-year period in which the cumulative percentage of improvements:

(a) Equals or exceeds 50% of the market value of the structure before the improvement or repair is started, or

(b) Increases the floor area by more than 20%.

(2) ***SUBSTANTIAL IMPROVEMENT*** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage regardless of the actual repair work done.

(3) The term does not include:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

***VIOLATION.*** The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in ***VIOLATION*** until such time as the documentation is provided

(Prior Code, § 154.03) (Ord. 820, passed 5-2-2011; Am. Ord. 2017-5, passed --2017)

**§ 154.03 BASE FLOOD ELEVATION.**

This chapter’s protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

(A) The base flood elevation for the floodplains of Stevens Creek shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Macon County prepared by the Federal Emergency Management Agency and dated June 7, 2017.

(B) The base flood elevation for each floodplain delineated as an “AH Zone” or “AO Zone” shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of Macon County.

(C) The base flood elevation for each of the remaining floodplains delineated as an “A Zone” on the countywide Flood Insurance Rate Map of Macon County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated Macon County that are within the extraterritorial jurisdiction of the village or that may be annexed into the village shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Macon County prepared by the Federal Emergency Management Agency and dated June 7, 2017.

(Prior Code, § 154.04) (Ord. 820, passed 5-2-2011; Am. Ord. 2017-5, passed --2017)

#### **§ 154.04 DUTIES OF THE BUILDING INSPECTOR.**

The Building Inspector shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the village meet the requirements of this chapter. Specifically, the Building Inspector shall:

(A) Process development permits in accordance with § 154.05;

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of § 154.06;

(C) Ensure that the building protection requirements for all buildings subject to § 154.07 are met and maintain a record of the “as-built” elevation of the lowest floor (including basement) or floodproof certificate;

(D) Assure that all subdivisions and annexations meet the requirements of § 154.08;

(E) Ensure that water supply and waste disposal system meets the public health standards of § 154.09;

(F) If a variance is requested, ensure that the requirements of § 154.11 are met and maintain documentation of any variance granted;

(G) Inspect all development projects and take any and all actions outlined in § 154.13 as necessary to ensure compliance with this chapter;

(H) Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;

(I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

(J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter;

(L) Maintain for public inspection base flood data, floodplain maps, and copies of state and federal permits, and documentation of compliance for development activities subject to this chapter;

(M) Perform site inspections to ensure compliance with this chapter and make substantial damage determinations for structures within the floodplain; and

(N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within 6 months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

(Prior Code, § 154.02) (Ord. 820, passed 5-2-2011; Am. Ord. 2017-5, passed --2017)

**§ 154.05 DEVELOPMENT PERMIT.**

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Building Inspector. The Building Inspector shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

(A) The application for development permit shall be accompanied by:

(1) Drawing of the site, drawn to scale showing property line dimensions;

(2) Existing grade elevations and all changes in grade resulting from excavation or filling;

(3) The location and dimensions of all buildings and additions to buildings;

(4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 154.07; and

(5) Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(B) (1) Upon receipt of an application for a development permit, the Building Inspector shall compare the elevation of the site to the base flood elevation. Any development located on land that is shown by survey elevation to be below the current base flood elevation is subject to the provisions of this chapter. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood

Insurance Rate Map, is subject to the provisions of this chapter. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the provisions of this chapter.

(2) The Building Inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

(3) The Building Inspector shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Building Inspector shall not issue a permit unless all other federal, state, and local permits have been obtained.

(Prior Code, § 154.05) (Ord. 820, passed 5-2-2011; Am. Ord. 2017-5, passed --2017) Penalty, see § 154.99

#### **§ 154.06 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.**

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in division (B) of this section, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

(1) Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2;

(2) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3;

(3) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;

(4) Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5;

(5) Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6;

(6) Outfall structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7;

(7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8;

(8) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9;

(9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10;

(10) Minor maintenance dredging activities meeting the following conditions of IDNR/OWR State Permit Number 11;

(11) Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR Statewide Permit Number 12;

(12) Temporary construction activities meeting the following conditions of IDNR/OWR Statewide Permit Number 13; and

(13) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permit requirements.

(B) Other development activities not listed in division (A) of this section may be permitted only if:

(1) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and

(2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

(Prior Code, § 154.06) (Ord. 820, passed 5-2-2011; Am. Ord. 2017-5, passed --2017) Penalty, see § 154.99

**§ 154.07 PROTECTING BUILDINGS.**

(A) In addition to the state permit and damage prevention requirements of § 154.06, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

(1) Construction or placement of a new building or alteration or addition to an existing building valued at more than \$1,000 or 70 square feet.

(2) Substantial improvements or structural additions made to an existing building that increase the floor area by more than 20% or equal or exceed the market by 50%. Alteration shall be figured cumulatively during a 10-year period. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during a 10-year period. If substantially damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.)

(5) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year.

(6) Repetitive loss to an existing building as defined in § 154.02.

(B) Residential or non-residential buildings can meet the building protection requirements by 1 of the following methods:

(1) The building may be constructed on permanent land fill in accordance with the following:

(a) The lowest floor (including basement) shall be at or above the flood protection elevation;

(b) The fill shall be placed in layers no greater than 6 inches before compaction and should extend at least 10 feet beyond the foundation before sloping below the flood protection elevation;

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;

(d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and

(e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated.

(2) The building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters;

(b) All components located below the flood protection elevation shall be constructed of materials resistant to flood damage.

(c) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;

(d) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of 1 permanent opening on each wall no more than 1 foot above grade with a minimum of 2 openings. The openings shall provide a total net area of not less than 1 square inch for every 1 square foot of enclosed area subject to flooding below the base flood elevation; and

(e) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;

1. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed;

2. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space; or

3. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

(3) The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of 1 opening on each wall having a total net area of not less than 1 square inch per 1 square foot of enclosed area. The openings shall be no more than 1 foot above grade.

(c) The interior grade of the crawlspace below the flood protection elevation must not be more than 2 feet below the lowest adjacent exterior grade.

(d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed 4 feet at any point.

(e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.

(f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and

(g) Utility systems within the crawlspace must be elevated above the flood protection elevation.

(C) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

(1) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

(2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydronamic forces, the effects of buoyancy, and the impact from debris and ice.

(3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

(4) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this division (C).

(D) Manufactured homes or travel trailers to be permanently installed on site shall be:

(1) Elevated to or above the flood protection elevation in accordance with division (B) above; and

(2) Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

(E) Travel trailers and recreational vehicles on site for more than 180 days per year shall meet the elevation requirements of division (D) above unless the following conditions are met:

(1) The vehicle must be either self-propelled or towable by a light duty truck;

(2) The hitch must remain on the vehicle at all times;

(3) The vehicle must not be attached to external structures such as decks and porches;

(4) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling;

(5) The vehicle's largest horizontal projections must be no larger than 400 square feet;

(6) The vehicle's wheels must remain on axles and inflated;



(7) Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain;

(8) Propane tanks as well as electrical and sewage connections must be quick-disconnect;

(9) The vehicle must be licensed and titled as a recreational vehicle or park model; and

(10) The vehicle must be either:

(a) Entirely supported by jacks; or

(b) Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.

(F) Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

(1) The garage or shed must be non-habitable;

(2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use;

(3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits;

(4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot;

(5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage;

(6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation;

(7) The garage or shed must have at least 1 permanent opening on each wall no more than 1 foot above grade with 1 square inch of opening for every 1 square foot of floor area;

(8) The garage or shed must be less than \$15,000 in market value or replacement cost whichever is greater or less than 576 square feet (24' X 24');

(9) The structure shall be anchored to resist floatation and overturning;

(10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, and the like) shall be stored above the flood protection elevation; and

(11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

(Prior Code, § 154.07) (Ord. 820, passed 5-2-2011; Am. Ord. 2017-5, passed --2017) Penalty, see § 154.99

#### **§ 154.08 SUBDIVISION REQUIREMENTS.**

The village shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of §§ 154.06 and 154.07. Any proposal for such development shall include the following data:

(1) The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;

(2) The boundary of the floodway when applicable; and

(3) A signed statement by a licensed professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (ILCS Ch. 765, Act 205, § 2).

(B) Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

(Ord. 820, passed 5-2-2011; Am. Ord. 2017-5, passed --2017)

#### **§ 154.09 PUBLIC HEALTH AND OTHER STANDARDS.**

(A) Public health standards must be met for all floodplain development. In addition to the requirements of §§ 154.06 and 154.07, the following standards apply:

(1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of § 154.07.

(2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

(3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

(5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permitted within the floodplain only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall be elevated or structurally dry floodproofed to the 500-year flood frequency elevation. In situations where a 500-year flood elevation has not been determined the flood protection elevation shall be 3 feet above the 100-year flood frequency elevation. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

(Ord. 820, passed 5-2-2011; Am. Ord. 2017-5, passed --2017)

**§ 154.10 CARRYING CAPACITY AND NOTIFICATION.**

(A) For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

(B) In addition, the village shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.

(Ord. 820, passed 5-2-2011; Am. Ord. 2017-5, passed --2017)

**§ 154.11 VARIANCES.**

Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Planning and Zoning Commission for a variance. The Planning and Zoning Commission shall review the applicant's request for a variance and shall submit its recommendation to the Board of Trustees. The Board of Trustees may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

(A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

- (1) The development activity cannot be located outside the floodplain;

- (2) An exceptional hardship would result if the variance were not granted;
- (3) The relief requested is the minimum necessary;
- (4) There will be no additional threat to public health or safety, or creation of a nuisance;
- (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
- (6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
- (7) All other state and federal permits have been obtained.

(B) The Planning and Zoning Commission shall notify an applicant in writing that a variance from the requirements of the building protection standards of § 154.07 that would lessen the degree of protection to a building will:

- (1) Result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage;
- (2) Increase the risks to life and property; and
- (3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) *Historic structures.* Variances to the building protection requirements of § 154.07 which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure ("historic structures") as defined in § 154.02, may be granted using criteria more permissive than the requirements of §§ 154.06 and 154.07 subject to the conditions that:

- (1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
- (2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(D) *Agriculture.* Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this chapter. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed:

(1) All agricultural structures considered for a variance from the floodplain management regulations of this chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural structures.

(2) Use of the varied structures must be limited to agricultural purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

(3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, and the like) below the base flood elevation, must be built with flood-resistant materials in accordance with § 154.07.

(4) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with § 154.07. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

(5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with § 154.07.

(6) The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with § 154.07(B).

(7) The agricultural structures must comply with the floodplain management floodway provisions of § 154.06. No variances may be issued for agricultural structures within any designated floodway.

(8) Wet-floodproofing construction techniques must be reviewed and approved by the Floodplain Administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

(Prior Code, § 154.09) (Ord. 820, passed 5-2-2011; Am. Ord. 830, passed 10-3-2011; Am. Ord. 2017-5, passed --2017)

## **§ 154.12 DISCLAIMER OF LIABILITY.**

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or

damage. This chapter does not create liability on the part of the village or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully thereunder.

(Prior Code, § 154.10) (Ord. 820, passed 5-2-2011; Am. Ord. 2017-5, passed --2017)

### **§ 154.13 ABROGATION AND GREATER RESTRICTIONS.**

This chapter repeals and replaces other ordinances adopted by the Mayor and Board of Trustees to fulfill the requirements of the National Flood Insurance Program including: June 7, 2017. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Prior Code, § 154.11) (Ord. 820, passed 5-2-2011; Am. Ord. 2017-5, passed --2017)

### **§ 154.99 PENALTY.**

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this chapter. Upon due investigation, the Municipal Attorney may determine that a violation of the minimum standards of this chapter exists. The Municipal Attorney shall notify the owner in writing of such violation.

(A) If such owner fails after 10 days notice to correct the violation:

(1) The village shall make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with the chapter;

(2) Any person who violates this chapter shall upon conviction thereof be fined not less than \$50 nor more than \$750 for each offense;

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and

(4) The village shall record a notice of violation on the title of the property.

(B) (1) The Municipal Attorney shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(2) The Municipal Attorney is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

(3) No site development permit shall be permanently suspended or revoked until a hearing is held by the Planning and Zoning Commission. Written notice of such hearing shall be served on the permittee and shall state:

- (a) The grounds for the complaint, reasons for suspension or revocation; and
- (b) The time and place of the hearing.

(4) At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Planning and Zoning Commission shall determine whether the permit shall be suspended or revoked.

(C) Nothing herein shall prevent the village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible. (Prior Code, § 154.99) (Ord. 820, passed 5-2-2011; Am. Ord. 830, passed 10-3-2011; Am. Ord. 2017-5, passed --2017)





## **CHAPTER 155: DEVELOPMENT ORDINANCE**

### Section

155.01 Adoption by reference

### **§ 155.01 ADOPTION BY REFERENCE.**

The Village of Forsyth Development Ordinance incorporating the land subdivision regulations and the zoning code is hereby adopted by reference and incorporated herein as if set out in full. (Ord. 885, passed 8-19-2013; Am. Ord. 916, passed 7-7-2014; Am. Ord. 923, passed 9-2-2014; Am. Ord. 930, passed 11-3-2014; Am. Ord. 933, passed 12-1-2014; Am. Ord. 938, passed 2-2-2015; Am. Ord. 945, passed 6-1-2015; Am. Ord. 946, passed 6-1-2015; Am. Ord. 953, passed 7-6-2015; Am. Ord. 2016-3, passed 3-7-2016; Am. Ord. 2016-9, passed 5-2-2016; Am. Ord. 2017-4, passed 4-3-2017; Am. Ord. 2017-14, passed 8-7-2017; Am. Ord. 2017-16, passed 10-16-2017; Am. Ord. 2017-23, passed 10-16-2017)



**CHAPTER 156: (RESERVED)**



## **CHAPTER 157: COMPREHENSIVE PLAN**

### Section

#### 157.01 Adoption by reference

#### **§ 157.01 ADOPTION BY REFERENCE.**

The Long Range Comprehensive Plan attached, and marked as Exhibit A, to Ordinance 858 is hereby adopted as the comprehensive plan for the village, and is made a part of this code by reference. Any reference within the Village Code or the Zoning Code to the Long Range Comprehensive Plan or other Comprehensive Plan shall be to the updated plan referred to herein.  
(Prior Code, § 155.01) (Ord. 362, passed 7-23-1990; Am. Ord. passed 9-16-2002; Am. Ord. 858, passed 8-20-2012)

