

ORDINANCE NO. 778

ORDINANCE TO AMEND TITLE 9, ENTITLED ZONING REGULATIONS
BY ADDING CHAPTER 16 PROVIDING FOR
STORMWATER MANAGEMENT REGULATIONS

BE IT ORDAINED by the President and Board of Trustees of the Village of Erie,
Whiteside County, Illinois:

SECTION I. Title 9 entitled Zoning Regulations, is hereby amended to add Chapter 16
entitled Storm Water Management, which Chapter 16 shall state in its entirety as follows:

9-16-1: **Purpose.** The purpose of this Chapter is to reduce or eliminate the hazards to the public health and safety caused by excessive storm water runoff, reduce the effects of soil erosion and sedimentation caused by development, reduce economic losses to individuals and the community at large, enhance broader social and economic objectives, and protect, conserve and promote the orderly development of land and water resources. The provisions of this Chapter shall be deemed as additional requirements to standards required by other provisions of the Erie Municipal Code and an applicant must comply with all other applicable laws. In cases of conflicting requirements, the most restrictive shall apply.

9-16-2: **Applicability.** A stormwater management plan shall be required for any new residential developments resulting in a gross aggregate impervious lot coverage of 50% or more; new residential developments having 2 or more dwelling units; and for any new commercial, industrial, institutional or utility developments. No final subdivision plat shall be approved and no zoning certificates shall be issued until and unless the stormwater management plan has been reviewed and approved by the Board of Trustees ("Board") of the Village of Erie ("Village").

9-16-3: **Stormwater Management Plans.** The required stormwater management plan shall identify means for controlling the stormwater runoff release rate (the rate of stormwater runoff released from dominant to servient land) from the development and providing storage potential for the excess stormwater runoff (where required). All computations, plans and specifications related to the implementation of this Chapter must be prepared and sealed by a professional engineer, registered in Illinois. The stormwater management plan shall contain, but not be limited to, the following information, unless specifically excluded by the Board:

- A. A topographic map of the project site and adjacent areas, of suitable scale and contour interval, which shall define the location of streams, the extent of floodplains and calculated high water elevations, the shoreline of lakes, ponds, swamps and detention basins including their inflow and outflow structures, if any.
- B. The location and flowline elevation of all existing sanitary, storm, or combined sewers.

- C. Detailed determination of runoff anticipated for the entire project site following development, indicating design volumes and rates of proposed runoff for each portion of the watershed tributary to the storm drainage system, the calculations used to determine said runoff volumes and rates and restatement of the criteria which have been used by the project engineer throughout his calculations.
- D. A layout of the proposed stormwater management system including the location and size of all drainage structures, storm sewers, channels and channel sections, detention basins, and analyses regarding the effect said improvements shall have upon the receiving channel and its high-water elevation.
- E. The slope, type, and size of all existing and proposed storm sewers and other waterways.
- F. For all stormwater management facilities (which shall include any structure designated to collect or store surface water), a plot or tabulation of storage volumes, for the design capacity, with corresponding water surface elevations and the facility outflow rates for those water surface elevations.
- G. An erosion and sedimentation control plan showing: All erosion and sedimentation control measures necessary to meet the objectives of this Chapter and the National Pollutant Discharge Elimination System (NPDES) throughout all phases of construction and permanently after completion of development of the site. Provisions for maintenance of temporary and permanent control facilities, including easements. Identification of the person(s) or entity which shall have legal and financial responsibility for maintenance of permanent, erosion control structures and measures after development is completed, and such identification and/or any subsequent changes thereto should be provided to the Board. Provisions shall be made to revise this information, upon any change in related ownership and/or cited responsibility.
- H. A reference elevation benchmark (which shall be a permanent, frost-proof monument approved by the Village) shall be established in the near vicinity to the stormwater management facility and shall be referenced on the plan.

9-16-4: **Other pre-ordinance drainage conditions.** Upon passage of this Chapter, drainage conditions in residential, commercial and industrial areas, in the Village shall be considered established as existing drainage conditions. Changes to these existing, drainage conditions, through improvements, which have an adverse effect on adjoining or neighboring properties, shall be considered as a violation of this Chapter. The Zoning Enforcing Officer shall have the authority to investigate such changes when complaints are filed with the Village. The Zoning Enforcing Officer shall require that pre-ordinance drainage conditions be re-established.

9-16-5: General Provisions.

- A. The Board may require the applicant to post a performance security instrument, as approved by the Village Attorney, in an amount sufficient to ensure the execution of the stormwater management plan.
- B. Maintenance of stormwater management facilities located on private property shall be the responsibility of the owner(s) in that development and the Board may require the applicant to execute a maintenance agreement.
- C. A fee of \$100.00, plus \$5.00 per acre over 5 acres, shall accompany the submittal of each Stormwater Management Plan for review.
- D. The interpretation and application of the provisions of this Chapter shall be held to be the minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other powers granted by the State statutes.
- E. Upon completion of the stormwater management project, the developer's engineer and the President shall affix their signatures to a set of the stormwater management plans which has been annotated to show any approved changes made to the plan during construction. This set of plans will constitute the final stormwater management plans for the project and will be used for future determinations regarding maintenance needs.
- F. A professional engineer, hired by the developer, shall be responsible for determining whether the stormwater management plan is in conformance with this Chapter and the approved stormwater management plan, and whether development is proceeding in accordance with the approved stormwater management plan. Periodic inspection of the development site shall be made by the developer's engineer to ensure compliance. All Village employees or agents shall be permitted to enter upon all properties for the purpose of inspection, observation, and measurement, in accordance with the provisions of this Chapter.
- G. The Village shall have the power to enforce this Chapter and the approved stormwater management plan and specifications. If a violation is noted during constructive activity, the Village reserves the right to issue a stop work order until the violation is corrected. No zoning certificate or building permit shall be issued for improvements on any property which is found to be in violation of this Chapter or a stormwater management plan until the violation is corrected to the satisfaction of the Board.
- H. The Village shall have the right to require an applicant or any person or entity found to be in violation of this Chapter to reimburse or pay to the Village any reasonable costs or expenses incurred by the Village including engineer fees, inspection costs and attorney fees. This provision shall be liberally construed.

SECTION II: This ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED by the President and Board of Trustees of the Village of Erie, Whiteside County, Illinois, on the 13th day of December, 20 22, and deposited and filed in the office of the Village Clerk in said Village on that date pursuant to roll call vote as follows:

Elected Trustees - 6

AYES: 6

NAYES: 0

ABSENT: 0

Gail Possley
Village Clerk of the Village of Erie, Illinois

Approved by the President of the Village of Erie, this 13th day of December 20 22

Martin Smith
President of the Village of Erie, Illinois

ATTEST:

Gail Possley
Village Clerk of the Village of Erie, Illinois

Published in pamphlet form this 13th day of December, 20 22.