

ORDINANCE NO. 779

ORDINANCE AMENDING TITLE 9 ZONING REGULATIONS,
CHAPTER 10 ENTITLED SUBDIVISIONS
FOR THE VILLAGE OF ERIE

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF ERIE, WHITESIDE COUNTY, ILLINOIS, as follows:

SECTION ONE: Title 9 entitled Zoning Regulations, Chapter 10 entitled
Subdivisions, is hereby repealed in its entirety and shall hereinafter state in its
entirety as follows:

9-10-1: Territorial Limits

9-10-2: Definitions

9-10-3: Procedure

9-10-4: Preliminary Plat

9-10-5: Improvements

9-10-6: Final Or Record Plat

9-10-7: Modifications And Exceptions

9-10-8: Design; Layout

9-10-9: Installation Of Improvements

9-10-10: Flood Hazard Area Provisions Applicable

9-10-1: TERRITORIAL LIMITS:

(A) Territorial Limits: The suggested rules and standards governing plats and subdivisions of land contained in this chapter shall apply to all land within the corporate limits of the village, and also within one and one-half (1 ½) miles of said limits. In the event of overlapping jurisdiction, the extent of jurisdiction hereinunder shall be determined and agreed upon between the county and the village officials.

(B) Effect: Within the territorial limits of this chapter, no person shall change, resubdivide, or rearrange the boundary or division line of any lot or parcel of land, or divide the same by any means into lots for any purpose. Nor shall any such person begin with any construction work in a proposed subdivision, including grading, without complying with the provisions of this chapter and before obtaining the tentative approval of the preliminary plat of the proposed subdivision as hereinafter provided.

Unless approved as a final plat as provided herein, no subdivision shall be entitled to be recorded in the county auditor's or recorder's office or have any validity; the building official shall not issue building or repair permits for any structure on a lot in any subdivision built in violation of this chapter; the village board shall not accept any public improvements or services in such subdivision.

(C) Violations: Any person who violates, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall be deemed guilty of a misdemeanor. (Ord. 296, 10-24-1972)

9-10-2: DEFINITIONS:

For purposes of this chapter, certain terms are defined as follows:

ALLEY OR SERVICE DRIVE: A passage or way affording generally a secondary means of vehicular access to abutting properties.

BOARD: Village board.

COMMUNITY DEVELOPMENT PLAN: A plan adopted by the Village for orderly growth of the municipality.

CUL-DE-SAC: A residential street with a turnaround.

LOT: A parcel of land intended for transfer of ownership or building development, whether immediate or future. A lot shall have frontage on a public street.

PLATS OFFICER: The person or agency designated by the village board to administer this chapter.

STREET: A street which connects principal traffic generations or connects such areas with other systems and provides access to neighborhoods.

SUBDIVISION: The division or resubdivision of a tract or parcel of land into two (2) or more lots, plots, sites or other divisions of land; or the consolidation of parcels, for the purpose, whether immediate or future, of transfer of ownership or building development. A resubdivision of land or lots shall also be considered a subdivision. (Ord. 296, 10-24-1972)

9-10-3: PROCEDURE:

In planning and developing a subdivision, the general principles and requirements set forth in section [9-10-8](#) of this chapter shall be observed except otherwise provided in 9-10-7. In every case the following procedure should be pursued:

(A) Sketch Plan: The subdivider or his engineer shall first submit the proposed plat in sketch form to the plats officer at a village board meeting to ascertain the location of proposed streets, parks or other planned improvements.

(B) Preliminary Plat:

1. The subdivider, after submitting the plat in sketch form to the plats officer shall prepare a preliminary plat of the proposed subdivision and construction plans for improvements adequate to determine that sewer, water and street construction can be installed conforming with the requirements set forth in section [9-10-9](#) of this chapter. The subdivider shall supply black or blue line prints to all public utilities. The subdivider shall file with the plats officer an application in writing seeking the approval of said plat, accompanied by four (4) black line or blue line prints.

2. The plats officer will check the preliminary plat as to its conformity with the adopted community development plan, ordinances of the community, and principles, standards and requirements set forth in this chapter. The plats officer will check the construction plans of proposed improvements.

3. The village board, upon receipt of the recommendations and advice from the plats officer concerning matters above, will approve as presented, approve with modifications, or disapprove the preliminary plat within thirty (30) days of receipt of the plat. If the preliminary plat is disapproved by the village board, the subdivider shall be furnished with a letter and copy of the plat stating the reason for disapproval and where the plat does not conform to village code provisions including the community development plan. Such notification shall take place within the thirty (30) day period. Upon approval of the preliminary plat, one copy of the approved or conditionally approved plat shall be returned to the subdivider within ten (10) days following the village board action, one copy of the approved plat transmitted to the county superintendent of highways, and the final copy retained in the board's files.

(C) Improvements: The subdivider, after approval of the preliminary plat, may: 1) secure from the plats officer the necessary permits to proceed with the street and sanitary improvements after approval of final construction drawings; or in lieu of this, 2) shall, to ensure the satisfactory installation of said improvements in accordance with this chapter post with the village clerk a surety bond, in form prescribed by the village board sufficient to cover the full cost of said improvements based upon estimate approved by the village board.

(D) Final Plat:

1. The subdivider, upon completion of all improvements required by this chapter, or upon posting of a bond, shall file with the plats officer the final or record plat for final approval. The plat must conform in every respect with the requirements specified in section [9-10-6](#) of this chapter. The subdivider shall submit the final plat not later than one year after approval of the preliminary plat. A final or record plat may be a portion of a larger subdivision for which a preliminary plat had been previously approved. However, improvements shall be made for all parts of the subdivision to be submitted for final approval.

2. The subdivider shall file with the plats officer five (5) black line or blue line prints, the original tracing, and a formal request for approval, along with two (2) copies of all covenants or restrictions pertaining to the final plat.

The plats officer will check the final plat and plans and specifications for improvements. If found satisfactory, the original tracing shall be forwarded to the village board, with a certificate showing that: a) the technical details of the plat itself have been checked and found satisfactory, b) all required improvements have been satisfactorily completed or, in lieu thereof, a surety bond has been posted, assuring their installation.

3. After receiving notification from the plats officer that improvements are in order and after being satisfied that the final plat is in conformity with the approved preliminary plat and this chapter, the village board shall approve and certify the final plat. The village board shall have sixty (60) days from the date of submission in which to take action on the final plat.

4. After approval of the plat by the board, four (4) approved prints and original tracing of the final plat shall be returned to the plats officer. The plats officer shall transmit copies of the approved plat to the county superintendent of highways and such other agencies as deemed necessary and retain one for the board's files. The original tracing shall be transmitted to the subdivider for recording.

5. The subdivider shall post a maintenance bond covering any improvement to be accepted for maintenance by the village. Such bond shall be held by the village clerk and shall become effective upon acceptance of the final plat by the village board, unless otherwise stipulated. Maintenance bonds shall run for two (2) years on sewer and water improvements.

(E) Fees:

1. At the time of filing of a plat or replat for approval, the subdivider shall pay to the village clerk a fee according to the schedule of fees maintained on file and available for public inspection at the office of the village clerk.

2. All fees shall be deposited in the general fund. No fees shall be charged for processing preliminary plats. (Ord. 296, 10-24-1972)

9-10-4: PRELIMINARY PLAT:

(A) Plat To Accompany Application: The preliminary plat of the proposed subdivision, four (4) black line or blue line prints prepared by a registered land surveyor, shall accompany an application in writing to the plats officer for preliminary approval of the subdivision in order that permits may be secured for the installation of improvements and processing for final approval of the plat may proceed thereafter. All public utilities shall be supplied with copies of the preliminary plat.

(B) Vicinity Sketch: A vicinity sketch at a scale of four hundred feet (400') or less to the inch shall accompany the preliminary plat. Such vicinity sketch shall show all adjacent existing subdivisions and their names, the tract lines of acreage parcels of land together with the names of record owners of such parcels, and all street and alley lines immediately adjoining the proposed subdivision and between it and the nearest existing highways or thoroughfares.

(C) Horizontal Scale: The horizontal scale of the preliminary plat shall be one hundred feet (100') or less to the inch.

(D) Features And Information: The preliminary plat should clearly show and include the following features and information:

1. The proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the county.
2. An accurate description of the property involved according to the real estate records of the county.
3. The names and addresses of the owners of record, the subdivider and the registered surveyor who prepared the plat.
4. The names of adjoining subdivisions and the names of record owners of adjoining parcels of unplatted land.
5. The boundary lines, accurate in scale, of the tract to be subdivided.
6. The location, widths and names of all existing or platted streets or other public ways and easements within or immediately adjacent to the tract, corporation lines, section and quarter section lines, and other important features such as existing permanent buildings, watercourses, railroad lines, etc.
7. Existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades indicated.
8. Contours, with intervals of two feet (2') referenced to United States geological North American datum - mean sea level elevation datum.
9. The layout, proposed names and widths of proposed streets, alleys and easements; the location and approximate sizes of proposed catch basins, culverts and other drainage structures; the layout, numbers and approximate dimensions of proposed lots.
10. Proposed front yard setback or other setback lines.
11. The width and approximate dimensions of all parcels of land intended to be dedicated or reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, conditions or limitations of such dedication or reservation indicated.
12. North point, scale and date.
13. Copies of any proposed restrictions or covenants.
14. Notation stating "Preliminary Plat - Not for Record".

(E) Construction Drawings: The subdivider's engineer shall prepare preliminary plans for all proposed improvements in such form as to enable the plats officer to determine that sewers, water and streets may be constructed according to section [9-10-9](#) of this chapter. (Ord. 296, 10-24-1972)

9-10-5: IMPROVEMENTS:

Minimum improvements shall be installed, unless a surety bond is filed, prior to request for final approval of the plat, in accordance with the requirements of section [9-10-9](#) of this chapter. (Ord. 296, 10-24-1972)

9-10-6: FINAL OR RECORD PLAT:

After improvements have been installed, or a surety bond filed, in accordance with section [9-10-9](#) of this chapter, four (4) black line or blue line prints and the original tracing shall be submitted to the plats officer with a formal request for approval. The final plat shall be drawn at the scale of one hundred feet (100') or less to the inch, and shall clearly show the following features and information:

(A) Legal description of the property, including reference to the section, township and range; section lines and corners; quarter section lines.

(B) All plat boundary lines with lengths of course to hundredths of a foot and bearings or angles based on an accurate survey in the field.

(C) The exact locations and the widths along the property lines of all existing or recorded streets or roads intersecting or paralleling the boundaries of the tract.

(D) Bearings and distances to nearest established street or road bounds, other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any established survey or corporation lines shall be accurately monument marked and located on the plat, and their names shall be lettered on them.

(E) The accurate location and material of all permanent reference monuments. Such monuments shall be concrete cylinders or rectangular prisms, not less than four inches (4") in diameter or square, and twenty-four inches (24") long, located at extreme corners of the subdivision. Other markers shall be steel rods not less than three-fourths inch (3/4") in diameter and twenty-four inches (24") long, located at all street corners, at all points where street lines intersect the plat boundary lines and at angle points and points of curve in each street; and shall be one-half inch (1/2") square iron pins, twenty-four inches (24") in length, at all lot corners. Any pins disturbed by construction or grading shall be reset.

(F) The exact layout including: 1) street and alley lines, their names, bearings, angles of intersection and widths (including widths along the line of any obliquely intersecting street); 2) the lengths of all arcs, radii, points of curvature and tangent bearings; 3) all easements or rights of way, when provided for or owned by public services (with the limitation of easement rights definitely stated on the plat); 4) all lot lines with dimensions in feet and hundredths, and bearings or angles if other than right angles to the street and alley lines.

(G) Lots numbered in numerical order, and blocks also numbered in numerical order.

(H) The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon.

(I) Front yard setback lines need not be shown. Lines of future streets or roads as shown on the adopted community development plan.

(J) Private restrictions, if any: 1) boundaries of each type of use restriction; 2) other private restrictions for each restricted section of the subdivision.

(K) Name of the subdivision and name or number of the largest subdivision or tract of which the tract being subdivided forms a part.

(L) Names and locations of adjoining subdivisions.

(M) Names and addresses of the owner or owners of record, the subdivider, and of the registered land surveyor who prepared the plat.

(N) North point, scale and date.

(O) Certification by the registered land surveyor who prepared the plat to the effect that the plat represents a survey made by the surveyor, that all monuments indicated thereon actually exist and that their location, size and material are correctly shown.

(P) Other certificates, required by law, including certificate of title showing ownership of the tract of land included in the subdivision, also certificate showing that all taxes have been paid. (Ord. 296, 10-24-1972)

9-10-7: MODIFICATIONS AND EXCEPTIONS:

(A) The general principles of design and minimum requirements for the laying out of subdivisions, set forth in section [9-10-8](#) of this chapter, may be varied by the village board in the case of a subdivision large enough to constitute a more or less self-contained neighborhood which is to be developed in accordance with a comprehensive plan safeguarded by appropriate restrictions, and which, in the judgment of the board makes adequate provision for all essential community requirements; provided, however, that no modification shall be granted by the board which would conflict with the proposals of an existing community redevelopment plan, if any, or with the intent and purposes of said general principles of design and minimum requirements.

In any particular case where the subdivider can show that by reason of exceptional topographic or other physical conditions, strict compliance with any requirements of this chapter could cause practical difficulty or exceptional and undue hardship, the village board may modify such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public good and without impairing the intent and purposes of this chapter or the desirable general development of the community. Any modification thus granted shall be entered in the minutes of the village board setting forth the reasons which, in the opinion of the board, justified the modification.

(B) In the case of a subdivision of less than five (5) lots and where all lots can be adequately served by existing streets, situated in a locality where conditions are well defined, the village board may exempt the subdivider from complying with requirements stipulated in section [9-10-4](#) of this chapter pertaining to the preparation of the preliminary plat. (Ord. 296, 10-24-1972)

9-10-8: DESIGN; LAYOUT:

In laying out a subdivision, the subdivider shall comply with the following general principles and requirements:

(A) General:

1. The layout must conform to a transportation plan adopted by the village, other parts of the adopted community development plan and other adopted regulations of the village. Where a proposed park, playground or other recreational area, proposed school site or public ground, shown on the adopted community development plan, is located in whole or in part within the proposed subdivision, such proposed public ground or part, if not dedicated to the board of education or other public agency, must be reserved and no action taken on the subdivision for a period of not less than ninety (90) days to allow the village board or other public agency the opportunity to consider and take action toward acquisition of such public ground or park by purchase or other means. If the responsible agency does not take action to acquire such land, the subdivider may then use the land for any purpose permitted.

2. Where considered desirable by the subdivider and held appropriate by the village board, open spaces suitably located and of adequate size for parks, playgrounds or other recreational purposes for local or neighborhood use may be provided for in the design of the proposed subdivision, and if not dedicated to the public and accepted by the appropriate public body, may be reserved for the common use of all property owners in the proposed subdivision by covenant in the deeds.

(B) The Street And Block Layout:

1. The street layout of the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining and nearby areas.

(a) Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

(b) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the village board, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layouts or the most advantageous future development of adjacent tracts. Cul-de-sacs of reasonable length will be approved where topography necessitates or where they appropriate for the type of development contemplated.

(c) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit.

(d) Wherever there exists adjoining the tract to be subdivided a dedicated or platted and recorded half width street or alley, the other half width of such street or alley shall be platted.

(e) Alleys shall ordinarily be platted: 1) in the rear of all lots to be used for business; and 2) in the rear of residential lots fronting on primary thoroughfares (unless service roads are provided in front thereof) as a means of safe access to such lots.

2. Blocks shall have sufficient width to provide for two (2) tiers of lots at least one hundred feet (100') in depth, unless, in the opinion of the board, prevented by exceptional topography or other physical conditions.

(a) The lengths of blocks shall be such as are appropriate, in the opinion of the village board, for the locality and the type of development contemplated, but shall not exceed one thousand two hundred feet (1,200').

(b) In any block over seven hundred feet (700') in length, the board may require that a crosswalk or pedestrianway, not less than ten feet (10') wide, be provided near the center and entirely across such block.

(c) Cul-de-sacs shall not exceed five hundred feet (500') in length measured along the centerline from the intersection at origin through the end of the circle to the end of the right of way.

(C) Minimum Right Of Way Widths Of Streets, Alleys And Easements For Utilities:

1. Street: Not less than sixty feet (60') wide in any case.

2. Street and cul-de-sac: The village board in its discretion may permit a street with curb and gutter and fifty feet (50') in width. All dead-end streets shall terminate in a circular turnaround having a minimum right of way diameter of one hundred feet (100').

3. Alleys and service drives: Twenty feet (20') wide.

4. Easements for utilities, where required, should be at least ten feet (10') wide centered on rear or side lot lines.

(D) Minimum Surface Widths: The portion of the surface required to be installed at the subdivider's expense shall be as follows:

1. Streets designated on an adopted transportation plan or approved by the village board. Overall surface widths shall be as designated by an adopted transportation plan or by the village board, and the differences, if any, between the cost of the portion to be provided at the expense of the subdivider and that of the total width designated by the transportation plan or the village board shall be borne by the municipality, unless it shall be determined by the village board that such greater width will benefit the subdivider in proportion to its cost. The surface of a turning circle at the end of a cul-de-sac shall have a minimum outside diameter of eighty feet (80'). A "T" or "Y" shaped surfaced space, when approved by the board may be used as a temporary measure at the end of a dead-end street until such time as the street is continued.

2. Alleys and service drives shall be surfaced to a width of sixteen feet (16').

(E) Street Grades, Curves And Sight Distances:

1. The grades of streets shall not be less than five-tenths percent (0.5%) nor exceed the following:

(a) Streets, designated as such on an adopted transportation plan or as approved by the village board: Five percent (5%) unless prevented by topography.

(b) Service drives and alleys: Ten percent (10%).

(c) Pedestrianways or crosswalks: Twenty percent (20%), unless steps of an acceptable design are to be constructed.

2. All changes in street grades above one percent (1%) shall be connected by vertical curves of a minimum length equal to thirty (30) times the algebraic difference in the rate of grade for subsection (E)1(a) of this section and one-half (1/2) of this minimum for all other streets.

3. The radii of curvature on the centerline shall not be less than the following:

(a) Streets: Three hundred fifty feet (350').

(b) Service drives and alleys: One hundred fifty feet (150').

(F) Intersections: Streets shall intersect as close to a ninety degree (90°) angle as possible.

(G) Lots:

1. The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.

2. Excessive depth in relation to width ordinarily shall be avoided.

3. Every lot shall abut on a public right of way dedicated for street purposes.

4. Lots for residential purposes shall be at least thirty-seven and five-tenths feet (37.5') wide at the front lot line and shall be adequate for a building of practicable width.

5. Lots larger than the minimum called for by health and land use regulations may be required where topographic or other considerations may limit the buildable or usable portion of such lots.

6. Corner lots for residential use ordinarily should be platted wider than interior lots in order to permit conformance with the required setbacks.

7. Residential lots fronting on highways, thoroughfares and parkways should have extra depth to permit deep setbacks for the buildings.

8. Double frontage lots and reversed frontage lots ordinarily should be avoided.

9. Side lot lines shall be approximately at right angles to the right of way line of the street on which the lot fronts.

10. Side lot lines on curved streets shall be radial to the right of way line of the street on which the lot fronts.

11. Lots not served by public sewer systems and/or public water systems shall meet all requirements established to protect public health.

(a) Lots lacking both services shall ordinarily be at least twenty thousand (20,000) square feet in size and at least one hundred twenty-five feet (125') wide at the building line.

(b) Lots having either public water or sewer shall be at least fifteen thousand (15,000) square feet in size and at least one hundred feet (100') wide at the building line.

(c) Lots having both services shall be at least seven thousand five hundred (7,500) square feet in size and at least seventy-five feet (75') wide at the building line.

(d) Percolation tests and related public health measures shall be used in all cases and the above stated minimum requirements may be modified upon report of appropriate state or county agencies.

(e) Lot sizes as stated in this chapter are subject to requirements of the zoning district in which they are located. (Ord. 296, 10-24-1972)

9-10-9: INSTALLATION OF IMPROVEMENTS:

Improvements shall be installed in accordance with the following minimum requirements and regulations prior to the filing of the final plat for final approval:

(A) General:

1. All of the improvements required under this chapter shall be constructed under contract approved by the village engineer in respect to construction details and proper inspection of the improvements to be installed, and shall be completed in accordance with the specifications and under the supervision of the village's engineer or his duly designated representative prior to the filing with the board of the final or record plat and request for final approval.

2. In lieu of completing all the improvements as required in subsection (A)1 of this section, the subdivider shall furnish the village board with a surety bond, sufficient to cover the cost of any or all of the improvements required to be installed by the subdivider, based on estimates approved by the village engineer. The intent is to secure the actual construction and installation of such improvements within one year after the approval of the final plat, subject to extension by the board.

(B) Streets, Sidewalks And Alleys:

1. Construction plans for improvements to be installed shall be prepared by a registered professional engineer, whose seal shall appear thereon. Two (2) prints shall be furnished. Improvements shall be in accordance with specifications adopted by the board. Construction

details shall be revised as may be necessary and receive approval of the village engineer and other agencies having jurisdiction before improvements are installed. Details shall include:

(a) Plan and profile of each street, with tentative grades indicated, including plans and profiles of proposed sanitary sewers, also stormwater sewers if required, with grades and sizes indicated.

(b) Typical cross section of each proposed street, at a horizontal and vertical scale of five feet (5') or less to the inch, showing the width of surfacing, the location and width of any sidewalks and the location of utility mains.

(c) Complete grading plan.

(d) Plan of the proposed water distribution system, showing pipe sizes and location of valves and fire hydrants.

2. Streets shall be graded to full right of way width. The surfacing shall be six inches (8") of compacted rock, with hot mix asphalt. Such surfacing shall not be less than twenty five feet (25') wide, or as otherwise required under subsection [9-10-8\(D\)](#)1 of this chapter, all in accordance with the specifications and meeting the approval of the village.

3. Sidewalks shall be required to be installed on the village held easement parallel to the street in any subdivision constructed within village limits. They shall be constructed of portland cement concrete four inches (4") in thickness, 4,000 PSI, and not less than four feet (4') in width.

4. Alleys and service drives shall be graded to the full width of the right of way and shall be provided with an all weather surface satisfactory to the village engineer. Such surfaced width shall be four feet (4') less than the dedicated right of way unless otherwise specified. (Ord. 296, 10-24-1972)

(C) Water Supply And Sewerage:

1. Every subdivision shall be provided with a complete water distribution system adequate to serve the area being platted, and appropriately spaced fire hydrants to be provided at the cost of the village, and the entire water system designed to meet the approval of the village engineer and appropriate state agencies. (Ord. 411, 4-10-1990)

2. In every subdivision, provision shall be made for the satisfactory disposal of sanitary sewage:

(a) Where Public Sanitary Sewer Main Is Accessible: Where a public sanitary sewer main is, in the opinion of the village board, reasonably accessible, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a service connection fifteen feet (15') from the sewer main for each lot. Such system shall be approved by the village engineer and the state of Illinois.

(b) Where Public Sanitary Sewer Main Is Not Reasonably Accessible: Where, in the opinion of the board, a public sanitary sewer main is not reasonably accessible, proper provisions shall be made for the disposal of sanitary waste subject to approval of the village engineer and the county health department. Absorption capacity of the soil, surface drainage and topography shall be criteria for determining whether or not the installation of individual septic tank disposal systems is feasible. Feasibility shall be ascertained by the subdivider before individual systems are proposed. At least two (2) percolation tests shall be made on each lot at the approximate location of the septic system absorption field. Such tests shall be performed in accord with the state of Illinois. The results of these tests shall be certified by a registered professional engineer and made known to the county health department, the board and the state and are required to comply with all County, State, and any other applicable codes and regulations.

(c) Backfilling Of Trenches: Wherever excavations for storm sewer, sanitary sewer, and/or water mains and appurtenances thereto may lie beneath existing or proposed pavement, sidewalks or drive areas, such excavation shall be backfilled by a method and with trench fill of a type approved by the village engineer.

(D) Utilities, Monuments:

1. Poles or underground conduits for electric lights, telephone lines or other utilities shall be placed in easements provided along rear or side lot lines, wherever this is practicable.

2. Monuments shall be placed in accordance with the requirements of subsection [9-10-6\(E\)](#) of this chapter.

(E) "As Built" Construction Drawings: Where the construction as performed varies from the plans filed and approved as hereinbefore required, "as built" construction drawings shall be filed with the village board. If such construction does not vary from said plans, an affidavit executed by a registered professional engineer so certifying shall be filed prior to acceptance of a final plat or acceptance of improvements for maintenance. Notwithstanding anything to the contrary herein, the village board, by a two-thirds (2/3) vote, may relax the requirements herein to the extent deemed just and proper to relieve a practical difficulty or exceptional and undue hardship which may result by a strict compliance with the requirements of this particular subsection. The village board may not relax such requirement to any extent which may grant relief which would be detrimental to the public good and which may impair the intent and purpose of this chapter or the desirable general development of the community. At the time the village board may authorize a modification pursuant to this section, the board shall set forth the specific reasons for justifying the modification in the minutes of the village board of trustees meeting. If any exception or relaxation of the requirement herein is allowed, such exception or relaxation of the requirement shall be conditioned upon the builder, developer or all owners, present or future, of the property agreeing and it shall hereby be required that any builder, developer or owner, present or future, must use every reasonable effort and due diligence to attempt to locate any lateral by digging anywhere but the village street or alley or public way prior to asking for a permit to dig anywhere in a village street, alley or a public way to determine the location of any lateral. (Ord. 418, 8-14-1990)

9-10-10: FLOOD HAZARD AREA PROVISIONS APPLICABLE:

This chapter is fully subject to the provisions of title 4, chapter 3, "Development In Floodplain Areas", of this code. (Ord. 376, 2-12-1985; amd. Ord. 578, 5-11-2004.

SECTION TWO: 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, 2022, 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 Prossky
Village Clerk of the Village of Erie, Illinois

Approved by the President of the Village of Erie, this 13th day of December, 2022.

Martin Smith
President of the Village of Erie, Illinois

ATTEST:

Gail Prossky
Village Clerk of the Village of Erie, Illinois

Published in pamphlet form this 13th day of December, 2022.