

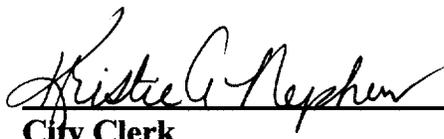
City of St. Charles, Illinois

Ordinance No. 2001-M-37

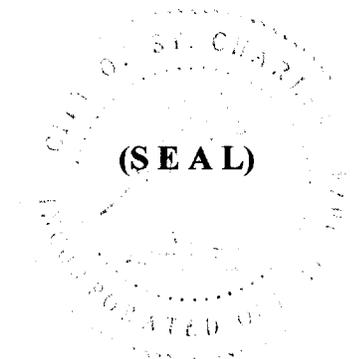
**An Ordinance Amending Title 18, "Flood Damage Prevention,"
of the St. Charles Municipal Code**

**Adopted by the
City Council
of the
City of St. Charles
June 18, 2001**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, June 22, 2001**



City Clerk



DATE OF PUBLICATION 6/22/01
NEWSPAPER Pamphlet Form

ORDINANCE NO. 2001-M- 37

REFER TO:
MINUTES 6/18/01
PAGE _____

AN ORDINANCE AMENDING TITLE 18,
"FLOOD DAMAGE PREVENTION,"
OF THE ST. CHARLES MUNICIPAL CODE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST.
CHARLES, KANE AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

1. That Title 18, "Flood Damage Prevention," of the St. Charles Municipal Code, be and is hereby amended by deleting the entire Title including all chapters and sections, and substituting Title 18 "Stormwater Management" as defined in the attached Exhibit A incorporated herein in its entirety by reference. This amendment shall become effective on January 1, 2002,
2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

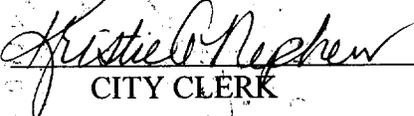
PRESENTED to the City Council of the City of St. Charles, Illinois, this 18 day of
June, 2001.

PASSED the City Council of the City of St. Charles, Illinois, this 18 day of
June, 2001.

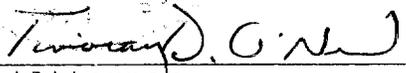
APPROVED by the Mayor of the City of St. Charles, Illinois, this 18 day of
June, 2001.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


City Attorney

Date: 6/18/01

COUNCIL VOTE:

AYES 10

NAYS 0

ABSENT 0

Exhibit A

**TITLE 18
STORMWATER MANAGEMENT**

18.04.010 Stormwater Management Ordinance - Adopted - Modifications.

The provisions of the Kane County Stormwater Management Ordinance, adopted by the Kane County Board on November 14, 2000, not less than three copies of which have been and now are filed in the Office of the Clerk of the city of St. Charles, Illinois are hereby adopted in total with the exception of the special regulations listed below which supplement and replace the concurrent sections of the Kane County Stormwater Management Ordinance as the regulations governing any activity that affects stormwater runoff or involves stormwater management. This Ordinance and the amendments noted hereafter shall become effective January 1, 2002.

Amendments to the Kane County Stormwater Management Ordinance, adopted November 14, 2000.

1. **Article 202.b is deleted in its entirety and the following inserted therefor:**
“Minor stormwater systems shall be sized to convey runoff from the tributary watershed under pre-development developed or fully conditions as may create the greatest amount of runoff. The recurrence frequency for design purposes shall be the 10-year event. The rainfall data shall be from ISWS Bulletin 70. Inlet capacity shall generally be provided such that depth of ponding does not exceed 6 inches to facilitate the 10-year event. Pipe capacity shall generally be provided such that the calculated hydraulic grade line does not exceed the top of pipe elevation.”
2. **Article 203.h.10 shall be appended to Article 203.h. and shall read as follows:**
“Paved parking lots may not be utilized to provide any portion of the required site runoff storage volume.”
3. **Article 500.c is deleted in its entirety and the following inserted therefor:**
“Permit Fees - Schedule.
The following schedule of fees is established for the filing and review of all stormwater permit application and the inspection of construction or maintenance activities related to required improvements:
 - A. Filing fee (payable when permit application is filed) fifty dollars:
 - B. Reimbursement for professional services:
 1. Recording fees;
 2. Fees for attorney's review and negotiations in connection with the filing, review and construction of the project.
 3. Fees for consultant's review and consultation in connection with the filing, review, and construction of

the proposed work including meetings and associated tasks. Consultants may include but are not be limited to Engineers and Wetland specialists

- C. Reimbursement for city staff review: One and one-half times the hourly rate or pro rata salary of each city staff member involved in reviews, meetings, inspections or any associated task relative to a stormwater permit application.

The applicant shall pay all fees within 30 days of invoice by the City subsequent to performance of said tasks. Any dispute of payment shall be sent in writing to the Administrator within 30 days of invoice by the City. Failure to respond within the 30 day period shall result in a default of permit obligation and allow the Administrator to revoke the permit.”

4. Article 902 is deleted in its entirety and the following inserted therefor:

“Variances – Application Fee

The following schedule of fees is established for the filing and review of all stormwater permit variances and the activities related to said request:

- A. Filing fee (payable when variance application is filed) fifty dollars:
- B. Reimbursement for professional services:
 - 1. Recording fees;
 - 2. Fees for attorney's review and negotiations in connection with the filing, review and construction of the application.
 - 3. Fees for consultant's review and consultation in connection with the filing review of the application including meetings and associated tasks. Consultants may include but are not be limited to Engineers and Wetland specialists

- C. Reimbursement for city staff review: One and one-half times the hourly rate or pro rata salary of each city staff member involved in reviews, meetings, inspections or any associated task relative to a variance application.

The applicant shall pay all fees within 30 days of invoice by the City subsequent to performance of said tasks. Any dispute of payment shall be sent in writing to the Administrator within 30 days of invoice by the City. Failure to respond within the 30 day period shall result in a default of petitioner obligation and allow the Administrator to cease consideration of the variance or revoke any permit granted including the subject variance.”

5. Article 703.a. is deleted in its entirety and the following inserted therefor:

“Any person found guilty of an offense under this ordinance shall pay a civil fine in an amount not less than \$50 and not more than \$1000. Each calendar day during which such violation continues to exist shall constitute a separate offense. In addition to the penalties provided in this Chapter, the City may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit against the person found to have violated this chapter or the rules, regulations, permits or orders issued hereunder.”

6. Article 1201.a.3 is deleted in its entirety and the following inserted therefor:

“An irrevocable letter of credit in favor of the permitting authority, or such other adequate security as the Administrator may approve, in an amount equal to 115% of the approved estimated probable cost to complete the construction of any required stormwater facilities.”

7. Article 1300.a.1. is deleted in its entirety and the following inserted therefor:

“The cost of otherwise providing the required storage considering land cost valued according to the use to which it will ultimately be put if not used to provide the required storage. This cost shall be solely determined by the Administrator. Challenges to land valuation and land area requirements are not considered in this ordinance. The Administrator’s decision is final relative to this ordinance.”

8. Article 202.k. shall be appended to Article 202 and shall read as follows:

“Fences

1. Fences within drainage routes: Fences shall not be permitted where they impede the flow of storm water, or drainage.
2. Fences within easements: If the fence lies within an easement which contains drainage rights, a minimum vertical clearance of four (4) inches from the ground surface to the bottom of the fence must be maintained. The vertical clearance shall be maintained for the entire length of that portion of the fence that is installed in or across the Easement. Requests for a variance to the four (4) inch vertical clearance requirement shall be submitted and will be considered in accordance with Section 202.k.2.a. Applications for fences installed in or across an easement containing drainage rights shall have an affidavit and release attached, prepared by the property owner, stating that he has read the requirements for fences located in easements and that he agrees to comply with them and that he does for himself, his heirs, successors and assigns indemnify and hold harmless the city from any liability asserted by others in connection with the placement of the fence and that they permit the removal of any fence or any other structure or form of landscaping within the easement area by the city if the fence or landscaping impedes the flow of storm water or drainage. The affidavit may be recorded at the owners expense by the city in the County Recorder of Deeds Office. In the event city shall determine it necessary to excavate or have access across the easement, the owner shall remove the fence at city's direction and in the event of the failure thereof, the city may remove the same at owner's expense and city shall not be required to replace the same.

Variance Procedure:

- a. A variance to the four (4) inch vertical clearance requirement for fences within easements containing drainage rights will be considered subsequent to field observations performed by the

city confirming the reasonable nature of the requested variance and submittal of the following:

- i. Written request explaining the need for a variance and the hardship which results from compliance with the four (4) inch clearance requirement. Specify the vertical clearance (i.e., 1", 2", 3") which would not create a hardship.
 - ii. Details of the proposed fence with a calculation of the percent of open surface area which will allow free flow of surface run-off.
 - ii. Affidavit and release certificate in accordance with the attached Exhibit 202.k.2.a.iii
- b. The following situation will allow a zero (0) inch vertical clearance to be considered for those sections of the fence within an easement:
- i. Fence parallel to the flow.
 - ii. Fence skewed or perpendicular to the flow with all of the following conditions satisfied:
 - a. flow is classified as side lot line or minor rear lot line flow.
 - b. 50% of the fence surface area must be open and will allow free flow of surface run-off.
 - c. The minimum "opening" in a fence shall be able to pass a one (1) inch diameter sphere to be considered "open surface area."
- c. The following situation will allow a two (2) inch vertical clearance to be considered for those sections of the fence within an easement:
- i. Fence parallel to the flow.
 - ii. Fence skewed or perpendicular to the flow with all of the following conditions satisfied:
 - a. flow is classified as side lot line, minor rear lot line, major rear lot line, or 100-year block overflow.
 - b. 50% of the fence surface area must be open and will allow free flow of surface run-off.
 - c. The minimum "opening" in a fence shall be able to pass a one(1) inch diameter sphere to be considered "open surface area."
- d. The following situation will terminate any consideration for a variance:
- i. Fence around a storm water management basin or perpendicular to the emergency overflow route of a storm water management basin.
 - ii. Fences shall not be permitted where they impede the flow of storm water or drainage.

e. Notwithstanding any guideline given herein the Director of Public Works may deny or approve any variance which in the interest of Public Health and Safety he/she feels is appropriate.

3. Definitions.

a. Side lot line flow--Rainfall run-off which accumulates and is conveyed along the side lot line and has an upstream tributary area of one (1) acre or less.

b. Minor rear lot line flow--Rainfall run-off which accumulates and is conveyed along the rear lot line and has an upstream tributary area of one (1) acre or less.

c. Major rear lot line flow--Rainfall run-off which accumulates and is conveyed along the rear lot line of a lot or lots and has an upstream tributary area of more than one (1) acre.

d. 100 year block overflow--The 100 year overflow route by which run-off would be conveyed in extreme rainfall events or failure of the storm sewer/drainage systems, as identified by the Director of Public Works or his designee.”

9. Article 1004 - Oversight Committee - shall be amended by appending the following sentence and shall read as follows:

“The oversight committee for the City of St. Charles shall be the City Council of the City of St. Charles.”

10. Article 1000.b - Responsibility for Administration - shall be amended by appending the following sentence and shall read as follows:

“The administrator for the City of St. Charles shall be the Director of Public Works of the City of St. Charles.”

11. Article 803.d. shall be appended to Article 803 and shall read as follows:

“The following list of projects defined by Tax Assessment P.I.N. numbers, Subdivision Plat recorded document number or City Ordinance shall be considered exempt from the Kane county Stormwater Management Ordinance:

1. Allendale Court (PIN 09-36-300-017 & 016 Doc. 99K085473)
2. Brownstone (Ord. 2000-Z-23)
3. IL 64 - Smith Road Subdivision (Ord.1990-M-84)
4. Majestic Oaks (Ord.1999-M-26)
5. 2900 East Main - St. John Neumann Site (Ord. 1999-M-97)
6. Hunt Club Village (Ord. 1999-Z-22)
7. Shanahan Industrial Park (Ord.1998-M-97)
8. Hidden Glen (Ord. 2001-Z-6)
9. Colomba Subdivision (Ord. 1993-Z-30)
10. CMD Midwest Unit 1 (SSA #7) (Doc. 1915404)
11. CMD (SSA#5) (Ord. 1984-M-20)
12. Main Street Commons (Ord. 2000-Z-1)
13. CMD (SSA #4) (Ord. 1984-M-21)
14. 1411 East Main - McGrath (Westerly 350 feet of PIN 09-26-302-007)
15. Sir Edward Court (Doc. 98K11909)

16. Sunshine Lighting (PIN 09-29-400-059 Doc. 97K069944)
17. Foxfield Commons P.U.D. (Doc. 98K054224)
18. CDH (Undeveloped) (Doc. 98K011297)
19. Harrison (Undeveloped)
20. Viewpointe (Ord. 1992-Z-11)
21. Randall Road Comm. Ph.1 & 2 / Tri-City Plaza (Ord. 1999-Z-19, 2000-Z-24, 1997-Z-10)
22. Harvest Hills (Ord. 1999-M-50)
23. Renaux Manor (Ord. 1997-M-35)
24. Artesian Springs (Ord. 2000-M-65)
25. Meijer (Ord. 1999-M-24)
26. Charlestowne Mall (Ord. 1988-Z-10)
27. Wind Hill Office Park (Ord. 1997-M-93)
28. Oak Crest (Ord. 1998-M-64)
29. USPS (Ord. 2001-M-9)
30. Foundry Business Park (Ord. 1997-M-44)
31. Traditions of St. Charles (Ord. 1998-M-63)
32. Woods of Crane Road(Ord. 1998-M-63)
33. River's Edge / Silver Fox Farm (Ord. 2000-M-5)
34. Stuart's Crossing – Amli at St. Charles (Ord. 1997-M-110)
35. Steiner Electric (Ord. 1999-M-20)
36. Stuart's Crossing – Hamilton Commercial (Ord. 1997-M-110)”

State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, KRISTIE A. NEPHEW, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on June 18, 2001, the Corporate Authorities of such municipality passed and approved Ordinance No. 2001-M-37, entitled

"An Ordinance Amending Title 18, "Flood Damage Prevention," of the St. Charles Municipal Code",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2001-M-37, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June 22, 2001, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 18th day of June, 2001.



Municipal Clerk

(SEAL)

