

**VILLAGE OF LILY LAKE**

**ORDINANCE NO. 2009-22**

**ORDINANCE AMENDING VILLAGE CODE  
Adding Chapter 4, Subchapter 3 --- Stormwater Management)**

**ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF LILY LAKE**

**November 16, 2009**

Published in pamphlet form by authority of the President and Board of Trustees of the  
Village of Lily Lake, Kane County, Illinois  
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**ORDINANCE NO. 2009-22****ORDINANCE AMENDING VILLAGE CODE  
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WHEREAS, on June 16, 2008 the Village adopted Ord. No. 2008-10 adopting the Kane County Stormwater Ordinance by reference, including specifically any and all amendments to that ordinance that may at any time be adopted by the Kane County Board; and

WHEREAS, the Kane County Board has recently amended the Stormwater Ordinance at the direction of FEMA and the Illinois Department of Natural Resources; and

WHEREAS, notwithstanding the express language of Ord. No. 2008-10 adopting future amendments, FEMA and the Illinois Department of Natural Resources require the Village to re-adopt the Kane County Stormwater Ordinance as amended in order to maintain eligibility in the National Flood Insurance Program; and

WHEREAS, the President and Board of Trustees of the Village have determined that it is necessary and desirable to re-adopt the Kane County Stormwater Ordinance, as amended, with the changes set forth herein;

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Lily Lake, Kane County, Illinois, that the Village Code be amended as follows:

**§ 1. Amending Village Code**

The following is added to the Village Code as Chapter 4, Subchapter 3—Stormwater Management:

**SUBCHAPTER 3 — STORMWATER MANAGEMENT****§ 420. Adoption of Kane County Stormwater Ordinance by reference**

For managing and mitigating the effects of urbanization on stormwater drainage in the Village through planning, appropriate engineering practices, and proper maintenance, the Kane County Stormwater Ordinance, as amended, one copy of which is on file in the office of the Village Clerk, is hereby adopted and shall be known as the Stormwater Ordinance of the Village of Lily Lake. Each of the regulations, provisions, conditions and terms of the Kane County Stormwater Ordinance, as amended, are hereby referred to, adopted, and made part of this ordinance, as if fully set out, with the changes set forth below.

**§ 421. Future amendments**

It is the specific intention of the corporate authorities of the Village by the adoption of this ordinance to also adopt by reference every amendment that may be made to the Kane County Stormwater Ordinance in the future concurrently with the amendment's adoption by the Kane County Board.

**§ 422. Changes to the ordinance adopted**

The Kane County Stormwater Ordinance, as adopted by this ordinance is amended as follows:

(a) §104(2) is amended to read as follows:

(2) Administrator means the Village engineer of the Village of Lily Lake;

(b) §500(c) is amended to read as follows:

(c) All permit and other fees shall be paid in accordance with Chapter 5. Fees may be established based upon all costs incurred by the Village in the administration of the permit, including, without limitation, the costs of review and inspections both during and after construction within the period for the establishment of permanent cover.

(c) §700 entitled "Inspection and maintenance authority" is amended to read as follows:

§700. Inspection and maintenance authority

Pursuant to the authority granted by 55 ILCS 5/5-1104 and 5-1062, the Village may, upon 30 days' notice to the owner or occupant, enter upon any lands or waters within the Village for the purpose of inspecting and/or maintaining any stormwater facilities and causing the removal of any obstruction to an affected watercourse.

(d) §703 entitled "Offenses – penalties; remedies" is amended to read as follows:

§703. Offenses – penalties; remedies

(a) The Administrator or Director may pursue any one or more of the following remedies against any person found by him or her to be guilty of an offense under this ordinance:

(1) The Administrator or Director may impose a civil fine upon such person in an amount not less than \$25 and not more than \$750. Each calendar day during which such violation continues to exist constitutes a separate offense.

(2) The Administrator or Director may revoke any stormwater management permit issued to that person.

(3) The Administrator or Director may issue an order requiring the suspension of any further work on the site. The stop-work order shall be in writing, shall indicate the reason for its issuance, and shall specify the action, if any, required to be taken in order to resume work. One copy of the stop-work order shall be posted on the site in a conspicuous place and one copy shall be served in the manner prescribed in §1006 upon the permittee, if any, or if none, upon the person in whose name the site was last assessed for taxes as disclosed by the records of the Supervisor of Assessments.

(4) The Administrator or Director may require that the area impacted be fully restored to its condition existing prior to the development, disturbance or impact. In the case of a wetland impact the area's pre-existing condition shall be determined by reference to a creditable wetland assessment performed within 2 years of such impact.

(5) The Administrator or Director may require the person to apply "after the fact" for the appropriate permit for an unpermitted development, disturbance or impact. In the case of a wetland impact the FQI of the wetland impact shall be determined by the Director and mitigation shall be provided accordingly.

(b) In order to enforce any of the remedies set forth in the preceding paragraph, the Administrator or Director may bring any action, legal or equitable, including an action for injunctive relief, deemed necessary. In any such action, in addition to any fine or other relief, the Administrator or Director may recover all costs and expenses, including reasonable attorneys fees and witness fees, incurred.

(e) §902 entitled "Application fee" is amended to read as follows:

§902. Application fee

With the filing of the application for a variance, the applicant shall pay the fee specified in Chapter 5.

(f) §1004 entitled "Oversight committee" is amended to read as follows:

## §1004. Oversight committee

The corporate authorities of each certified community within the County shall establish an oversight committee to oversee the implementation and enforcement of this ordinance within its jurisdiction and to perform the duties assigned to the oversight committee in this ordinance. The oversight committee for the Village shall be the president and Board of Trustees. The oversight committee, when considering an appeal or request for a variance under this ordinance, may request an opinion from a qualified engineer review specialists or qualified wetland reviews specialists on technical issues.

(g) §1005 entitled “Decision-making authority” is amended to read as follows:

## §1005 Decision-making authority

The corporate authorities of each certified community within the County shall designate a decision-making authority to perform the duties assigned to the decision-making authority in this ordinance. The decision-making authority for the Village shall be the president and Board of Trustees. The decision-making authority, when considering an appeal or request for a variance under this ordinance, may request an opinion from a qualified engineer review specialists or qualified wetland reviews specialists on technical issues.

(h) §1300 and entitled “Fee-in-Lieu of site runoff storage” is amended to read as follows:

## §1300. Fee-in-Lieu of site runoff storage

(a) The Director or the administrator may require, or in the limited circumstances prescribed in Article 2 an applicant may request approval of, the payment of a fee-in-lieu of site runoff storage to fulfill all or part of the site runoff storage requirement for a development. The fee to be paid in lieu of site runoff storage shall be the verifiable cost of otherwise providing the required storage, including the value of the land required and all construction costs. For this purpose the land required shall be valued according to the use to which it will ultimately be put if not used to provide the required storage.

**§ 3. Repealer**

Any ordinance in conflict with this ordinance is, to the extent of such conflict, hereby repealed.

§ 4. Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Adopted on November 16, 2009 pursuant to a roll call vote as follows:

<i>Trustee</i>	<i>Aye</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Damisch	✓			
Dekker	✓			
Goddard	✓			
Overstreet	✓			
Reed	✓			
Wise	✓			
Heffernan				
Totals	6			

Approved November 16, 2009.

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*Jim Heffernan*  
 President

Attested, Filed in my office, and published in pamphlet form on November 16, 2009.

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*Kathleen [Signature]*  
 Clerk of the Village of Lily Lake, Kane County, Illinois

