

VILLAGE OF JOHNSBURG

ORDINANCE NO. 15 -16-13

**AN ORDINANCE ADOPTING BY REFERENCE THE MCHENRY COUNTY
STORMWATER MANAGEMENT ORDINANCE**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF JOHNSBURG**

THIS 3RD DAY OF NOVEMBER, 2015.

**PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY OF THE PRESIDENT AND
BOARD OF TRUSTEES OF THE VILLAGE OF JOHNSBURG, ILLINOIS,
THIS 3RD DAY OF NOVEMBER, 2015.**

ORDINANCE NO. 15-16-13

**AN ORDINANCE ADOPTING BY REFERENCE THE MCHENRY COUNTY
STORMWATER MANAGEMENT ORDINANCE**

WHEREAS, the County of McHenry, pursuant to the powers granted to it by 55 ILCS 5/5-1062, adopted the McHenry County Stormwater Management Ordinance on or about November 18, 2014, effective December 1, 2014, establishing rules and regulations for floodplain and stormwater management throughout the County of McHenry and superseding any less restrictive municipal rules and regulations therein; and,

WHEREAS, the President and Board of Trustees of the Village of Johnsburg have previously adopted Ordinances, which adopted by reference the McHenry County Stormwater Management Ordinances; and,

WHEREAS, the County of McHenry, pursuant to the powers granted to it by 55 ILCS 5/5-1062, adopted a resolution approving amendments to the McHenry County Stormwater Management Ordinance on or about November 18, 2014, effective December 1, 2014; and,

WHEREAS, the President and Board of Trustees of the Village of Johnsburg find it to be in the best interests of the Village of Johnsburg to require all development to meet, at least, the minimum standards prescribed by the McHenry County Stormwater Management Ordinance to the fullest extent practicable; and,

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION I: That there is hereby adopted by reference, as if fully set out herein, that certain ordinance known as the McHenry County Stormwater Management Ordinance, approved as amended by

the County of McHenry, State of Illinois, one copy of which has been and will continue to be on file in the office of the City/Village Clerk.

SECTION II: That in the event that the rules, regulations, terms or conditions imposed pursuant to the McHenry County Stormwater Management Ordinance are either more restrictive or less restrictive than comparable rules, regulations, terms or conditions imposed by any other applicable rule, regulation, resolution, ordinance, statute or law, then the most restrictive rules, regulations, terms or conditions shall govern.

SECTION III: That Chapter 37 of the Municipal Code of the Village of Johnsburg is amended by deleting existing Chapter 37, and replacing it with the following:

CHAPTER 37: STORMWATER MANAGEMENT ORDINANCE

The McHenry County Stormwater Management Ordinance, as most recently amended by the County of McHenry on November 18, 2014, is hereby adopted by reference and is in full force and effect within the Village of Johnsburg.

SECTION IV: MCHENRY COUNTY STORMWATER MANAGEMENT ORDINANCE AMENDMENTS

Certain amendments, deletions and additions to the McHenry County Stormwater Management Ordinance, are hereby incorporated and adopted by the Village of Johnsburg with an effective date of December 1, 2015 as follows:

To Article II Section 15.60.020.D.1 and 2, January 1, 2005 shall replace June 1, 2004.

To Article III Section 15.060.030.B.2.b, the following shall be added:

17. All runoff surfaces, constructed or disturbed shall have the following minimum slopes:
Grass 2%, Ditch invert 1% and Parking Lot 1%.

To Article V Section 15.60.050.E, the following shall be added:

6. For regulated development required to meet the stormwater storage requirements of the Ordinance:
 - a. Prior to approval of the stormwater management permit, the owner/applicant must provide a construction performance guarantee in the amount of 125% of the current

value of all public and private proposed Erosion and Sediment Control measures including minor and major stormwater systems, landscaping and earthwork for the project along with 125% of the cost of erosion control maintenance for the project duration.

- b. Prior to release of the construction performance guarantee: record drawings including detention and overland flow route verification, among other items, as applicable, shall be provided and reviewed. Release will be predicated on approval of the record drawings by the Village of Johnsbury and the completion, to the Village Engineer's approval, of maintenance or replacement or repair of any outstanding applicable measures related to that guarantee.

To Article V Section 15.60.050.E.4, the following shall be added (in bold):

A BFE determination prepared by a licensed professional engineer, if necessary to meet the Flood Hazard Areas Performance Standards of the Ordinance. If no topographic data is available or no BFE has been established, it shall be assumed that, at minimum, all areas shown as SFHA on the current FIRM maps listed in the Appendix to this Ordinance, including any effective letters of map revisions are in the floodplain. When an applicant disagrees with this floodplain determination, he/she may finance a new engineering or topographical study meeting the requirements of this Ordinance. The Village may require an applicant, as a condition for obtaining a stormwater permit, to perform a study on areas near the SFHA if it believes the area may be below the BFE. The BFE Determination shall include the following:

To Article VI Section 15.60.060.A, the following shall be added:

- t. The stormwater drainage system shall be designed to minimize and facilitate maintenance. Pre-sedimentation basins shall be included, when feasible, for localizing sediment deposition and removal. Access for heavy equipment shall be provided in the form of an access easement 15 feet wide from the nearest road to the basin's restrictor structure. A 25 foot easement (minimum) around the basin shall be provided from the basin's 100 year high water level.

To Article VI Section 15.60.060.B.1.d and k, December 1, 2015 shall replace December 1, 2014.

To Article VI Section 15.60.060.B.1.g, the following shall be added:

The plats for subdivisions, PUD's, and manufactured home parks shall also show all flood zones (A, AE, AH, AO, floodway) from the currently effective floodplain map.

To Article VI Section 15.060.060.B.1, the following shall be added:

- o. All runoff surfaces, constructed or disturbed shall have the following minimum slopes: Grass 2%, Ditch invert 1% and Parking Lot 1%.

To Article VI Section 15.60.060.B.4.f, the following shall be added:

Driveway culverts shall be a minimum of 15" diameter. Road culverts shall be a minimum of 18" diameter. Culverts shall meet IDOT material specifications.

To Article VI Section 15.60.060.B.4, the following shall be added:

- h. Storm sewers shall be constructed of IDOT approved materials.

To Article VI Section 15.60.060.B.5.d. (2), the following shall be added:

- vii. All detention basin berms shall be compacted to 95% modified proctor with satisfactory test results provided to Village.

To Article VI Section 15.60.060.B.5.d. (5), the following shall be added:

- vii. Retention basins that do not meet the above qualifications shall not be allowed. A release structure with a minimum capacity of 0.05cfs/ac must be extended downstream to a suitable surface release point. Required storage volume for infiltration basins shall be based on the 100 year critical duration storm.

To Article VI Section 15.60.060.C.1.g, the following shall be added:

The flood hazard area shall not be smaller than the mapped Zone A, AE, AH, and AO depicted on the regulatory FIRM unless a BFE is determined and the available topography has sufficient detail, in the opinion of the enforcement officer, to document that the ground is above the BFE. When an applicant disagrees with this floodplain determination, he/she may finance a new engineering or topographical study meeting the requirements below. The Village may require an applicant, as a condition for obtaining a stormwater permit, to perform a study on areas near the SFHA if believes the area may be below the BFE.

To Article VI Section 15.60.060.C.8.e, the following amendments shall be made (in bold):

- d. A CLOMR is required prior to issuance of a stormwater management permit when a regulated development within a floodplain would increase flood heights more than 0.1 feet or when regulated development within a floodway would increase flood heights by more than 0.0 feet. Once a CLOMR has been issued by FEMA, with concurrence from IDNR/OWR, the Enforcement Officer may allow filling, the construction of reconstruction of bridges and culverts, and similar regulated development within the floodplain necessary to obtain the LOMR.

No buildings may be built in the existing or proposed regulatory floodplain until the CLOMR and LOMR are obtained from FEMA unless the building meets all the Building Protection Standards.

- e. **Plats of subdivision shall show the regulatory floodplain as they exist on the date the plat is recorded. It shall not be assumed that a property has been removed from the regulatory floodplain until the effective date of the LOMR.**

To Article VI Section 15.60.060.C.11, the following shall be amended: December 1, 2014 shall be revised to December 1, 2015.

To Article VI Section 15.60.060.E.1, the following shall be added:
The developer, in an effort to protect water quality and improve on-site habitat values, shall implement a Management Plan for the buffers.

MCHENRY COUNTY STORMWATER MANAGEMENT ORDINANCE can be found at <https://www.co.mchenry.il.us/home/showdocument?id=7922>

SECTION V: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION VI: That this Ordinance shall be in full force and effect ten (10) days after its passage, approval and publication in pamphlet form, as provided by law.

PASSED and approved by the President and Board of Trustees
of the Village of Johnsburg, McHenry County, Illinois,
this 3rd day of November, 2015 by a roll call vote as follows:


Voting Aye: Trustees Klemstein, McEvoy, Curry, Huemann, Frost and Hutchinson
Voting Nay: None
Abstaining: None
Absent: None

APPROVED THIS 3RD DAY OF NOVEMBER, 2015;

By: 
PRESIDENT

VILLAGE OF JOHNSBURG

ATTEST:


Village Administrator/Clerk

STATE OF ILLINOIS)
)
COUNTY OF MCHENRY) ss.

I, Claudett E. Peters do hereby certify that I am duly appointed, qualified and acting as Village Clerk of the Village of Johnsburg, McHenry County, Illinois, and keeper of the records and seal of said Village, and that the attached and foregoing Ordinance is a true and correct copy of said Ordinance entitled:

ORDINANCE NO. 15-16-13


AN ORDINANCE ADOPTING BY REFERENCE OF THE MCHENRY COUNTY
STORMWATER MANAGEMENT ORDINANCE

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG,
THIS 3rd DAY OF NOVEMBER, 2015.

In Witness Whereof, I have hereunto set my hand and caused to be affixed the Corporate Seal of the Village of Johnsburg, McHenry County, Illinois.

Done at: Illinois this 3rd day of November, 2015.

(SEAL)



Village Clerk

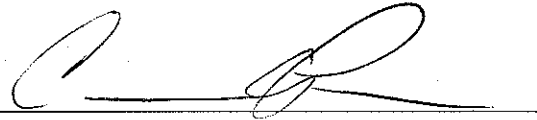
CERTIFICATIONS

I, Claudett E. Peters, do hereby certify that I am the duly appointed, acting and qualified Village Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Trustees of said Village of Johnsburg.

I do hereby further certify that at a regular meeting of the President and Trustees of the Village of Johnsburg, held on the 3rd day of November, 2015, the foregoing Ordinance entitled: "AN ORDINANCE ADOPTING BY REFERENCE THE MCHENRY COUNTY STORMWATER MANAGEMENT ORDINANCE" was duly passed by the President and Board of Trustees of the Village of Johnsburg.

I DO FURTHER certify that the original, of which the attached is true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

GIVEN under my hand and seal this 3rd day of November 2015.



Claudett E. Peters
Village Clerk
Village of Johnsburg,
McHenry County, Illinois