

ORDINANCE NUMBER: 15-12-02

**AN ORDINANCE
ADOPTING NEW STORMWATER MANAGEMENT REGULATIONS
FOR THE VILLAGE OF MAHOMET, CHAMPAIGN COUNTY, ILLINOIS**

**VILLAGE OF MAHOMET
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 16th day of December, 2015, by authority of the President and Board of Trustees of the Village of Mahomet, Champaign County, Illinois.


Village Clerk

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FOR THE VILLAGE OF MAHOMET, CHAMPAIGN COUNTY, ILLINOIS

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

Section 1. Adoption. Chapter 51, entitled "Stormwater Management", of Title V entitled "Public Works" of the Code of Mahomet, as supplemented and amended, be and the same is hereby amended by repealing and replacing existing Chapter 51 with a new Chapter 51 as set forth in the title, headings and text thereof as attached hereto and hereby incorporated herein by this reference thereto.

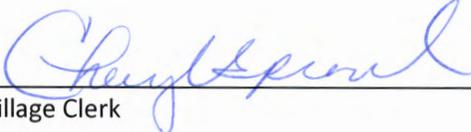
Section 2. Effective Date. The provisions of this Ordinance shall become effective following its passage, approval and publication as required by law.

Section 3. Conflict. All ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

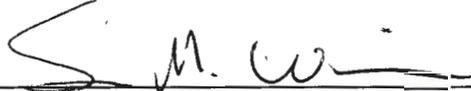
This ordinance is hereby passed, the "ayes" and "nays" being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this 15th day of December, 2015.



Village Clerk

APPROVED this 15th day of December, 2015.



Village President



Village of Mahomet – Chapter 51
Stormwater Management

§CHAPTER 51: STORMWATER MANAGEMENT

- 51.01 Title, Purpose, Intent & Policy
- 51.02 Applicability
- 51.03 Exemptions
- 51.04 Definitions
- 51.05 Drainage System Components
- 51.06 Permits and Applications
- 51.07 Drainage Plan Submittal Requirements
- 51.08 Design Requirements
- 51.09 Maintenance Responsibility
- 51.10 Inspections
- 51.11 Approval of Constructed Facilities
- 51.12 Performance Guarantee
- 51.13 Dry Weather Water Outlets
- 51.14 Variances
- 51.15 Enforcement
- 51.16 Severability
- 51.17 Penalties
- 51.18 Appeals
- 51.19 Disclaimer of Liability
- 51.20 Retroactivity
- 51.21 Administrative Rules
- 51.22 Savings and Applicability

Village of Mahomet – Chapter 51
Stormwater Management

51.01 Title, Purpose, Intent and Policy

- (A) **Title.** This Ordinance shall be known, cited and referred to as the, “**Stormwater Management Ordinance of the Village of Mahomet, Champaign County, Illinois**”.
- (B) **Purpose.** The purpose of this Ordinance is to guide developer’s attempts to control the transportation or movement of stormwater so as to reduce the likelihood of damage to property; prevent injury to persons; protect the public health, safety, and general welfare of the community; and to promote the orderly development of land and water resources within the Village of Mahomet.
- (C) **Intent.** The intent of this Ordinance is to require temporary storage of stormwater runoff, to control the rate of release of stormwater runoff by implementation of “reasonable provisions” and “in accordance with generally accepted engineering practices”, to provide for adequate drainage of development sites and surrounding areas, and to protect existing agricultural drainage system. Further, it is intended that this Ordinance complement and coordinate with the Village of Mahomet Subdivision Ordinance and the Village of Mahomet Zoning Ordinance.
- (D) **Policy.** This Ordinance establishes a stormwater management policy for the future control of stormwater runoff within the jurisdictional limits of the Village of Mahomet. Accordingly, a combination of temporary storage and the controlled release of stormwater runoff shall generally be required for all new commercial and industrial developments, residential subdivisions, planned unit developments, and any redevelopment or other new construction, as further defined in this Ordinance.

51.02 Applicability

- (A) **Scope of Application.** A combination of stormwater storage and controlled release of stormwater runoff is required for all non-agricultural development activities within the boundaries of the Village of Mahomet involving:
- (1) All non-agricultural developments greater than two (2) acres in size.
 - (2) All non-agricultural developments between 20,000 square feet and two (2) acres in size with greater than 35% impervious surface area.
 - (3) All new or expanded subdivisions which require approval of the Village of Mahomet pursuant to the provisions of the Village of Mahomet Subdivision Ordinance, as amended.
 - (4) Generally, any new construction within the Village of Mahomet’s area of zoning jurisdiction, pursuant to the provisions of the Village of Mahomet Zoning Ordinance, that increases the amount of pervious area of the lot or parcel of land upon which it is constructed.
 - (5) Except as may otherwise be provided herein, all structures erected hereafter, all uses of land or structures established hereafter, all improvements to water courses, all structural alterations or relocation of existing structures occurring hereafter, and all enlargement of, or additions to, existing uses which increase the amount of pervious area, occurring hereafter, shall be subject to the provisions of this Ordinance.

Village of Mahomet – Chapter 51
Stormwater Management

Therefore, except as provided in §51.03, no building permit may be issued, no subdivision or plat of land may be approved or recorded; no mobile home, independent travel trailer, or recreational travel trailer park permit may be issued; no planned unit development may be approved; no watercourse, stormwater drainage system, storm sewer, or stormwater control structure may be constructed; and no paved or compacted area designed to be used for loading, open storage, or the parking or movement of vehicles may be constructed without first having complied with the applicable provisions of this Stormwater Management Ordinance.

- (B) Whenever storage and controlled release of stormwater is required for existing developed parcels, and where improvements upon such parcels were constructed prior to 1972, such storage and the required controlled release rate shall apply to the net increase in the amount of runoff since January 1, 1972.
- (C) Any area proposed for development, consisting of a tract of land of three (3) or more acres in common ownership or interest and upon which phased development is proposed, shall be required to provide a combination of storage and controlled release of stormwater runoff for future development of the entire tract.
 - (1) Where phased development is proposed, the owner may construct, after receiving site specific approval from the Administrator, one (1) stormwater detention facility which is built larger than initially needed in order to anticipate subsequent phases of development and / or is designed to be enlarged at later dates as additional portions of the overall site are developed. Phased construction shall include implementation of sufficient and enforceable covenants upon the land to properly document the phased implementation. The form of covenant shall be approved by the Village Attorney, and the substance of the covenant shall reflect the approved overall Stormwater Detention Plan for the site.
 - (2) Where a subdivision plat or a Planned Unit Development involves new lots which are more than three (3) acres in size that are zoned for commercial or industrial purposes, the developer / owner may provide for storage and controlled release of stormwater runoff for the developed lots by sufficient and enforceable covenant upon the individual lots. The covenant shall require construction of on-site stormwater detention facilities upon each lot at the time of subsequent development of that lot. The form of covenant shall be approved by the Village Attorney, and the substance of the covenant shall require construction of on-site stormwater runoff storage and controlled release of stormwater runoff from each lot in a manner approved by the Administrator, and in accordance with the provisions of this Ordinance.
- (D) Any property or development falling within the scope of the provisions of this Ordinance shall be subject to review by the Administrator in order to establish and determine, in the opinion of the Administrator, that no adverse consequences will arise downstream as a result of construction of improvements under the sought-after permit. Any property located within floodplain areas, as defined in the Flood Hazard Area Development Ordinance of the Village of Mahomet shall be governed by such Ordinance in the event of and to the extent of conflict with the provisions of this Stormwater Management Ordinance.

Village of Mahomet – Chapter 51
Stormwater Management

- (E) All applications for building permits shall contain a statement that such buildings or structures and appurtenances connected therewith include facilities for the orderly runoff or detention of rain and melting snow, as required herein. Plans submitted with said application shall include a signed statement issued by the owner and by an Illinois Professional Engineer that the plans include facilities adequate to prevent hazardous runoff, as required herein. For single family dwellings to be located in a subdivision meeting the requirement of this Ordinance, the signed statement may, in lieu of the above procedure, be placed on the face of the final plat or upon the required subsidiary drainage plat for the entire subdivision.
- (F) **Existing Conditions.** It is anticipated in this Ordinance that a land owner shall be allowed to pass through existing excess stormwater runoff from tributary areas upstream from that owner's land without storage or controlled release of such runoff. It is further anticipated that this Ordinance will require the controlled release of excess stormwater runoff resulting from development on an owner's land. The controlled release rate of excess stormwater runoff from an owner's land shall not exceed the rate of runoff which would have occurred from that owner's land prior to the development or redevelopment of that owner's land.

It is presumed by this Ordinance that prior to development, the owner's land had a traditional agricultural use. It is further presumed that the maximum safe stormwater drainage capacity for downstream stormwater drainage systems is the capacity required to carry the peak rate of stormwater runoff from a five (5) year return period storm event prior to December 14, 1981.

51.03 Exemptions

- (A) The provisions of this Ordinance shall not apply to the following developments:
- (1) Any development constructed totally upon a lot or parcel of land, recorded prior to December 14, 1981, that contains less than 20,000 square feet of land area, provided the development has less than 35% impervious surface area; or
 - (2) Any single-family residential or two-family residential development on any lot or parcel of land, which was recorded prior to December 14, 1981; or
 - (3) Modification of single-family residential or two-family residential structures which will continue to be used as single-family or two-family dwellings; or
 - (4) Modification of existing structures or appurtenances, other than a single-family dwelling or two-family dwelling, which do not increase the amount of impervious area of the lot or parcel upon which it is constructed; or
 - (5) Traditional agricultural land uses; or
 - (6) Improvement of any existing roadways which do not increase the number of traffic lanes in the typical cross-section of the roadway; or

Village of Mahomet – Chapter 51
Stormwater Management

- (7) Any development greater than two (2) acres in size which the total impervious area is less than 15% of the total area of the site.
- (8) New development in which the total impervious area, including the area of the existing, adjacent public or private streets, is less than 20% of the total area or is less than 10,000 square feet, whichever is less.

(B) The exemptions set forth above shall not apply to the installation, repair, or replacement of dry weather water outlets.

51.04 Definitions

(A) For the purposes of this Ordinance, the following definitions are adopted:

Administrator. The Village of Mahomet Administrator or other person specifically designated by the President of the Board of Trustees to enforce the provisions of this Ordinance.

Board of Trustees. The Board of Trustees of the Village of Mahomet.

Capacity of a Stormwater Drainage Facility. This is the maximum flow at atmospheric pressure that can be conveyed by the facility without causing damage to the public or encroachment upon private property. The capacity of a stormwater drainage facility is determined utilizing “Mannings Equation” or similar approved formula.

Capacity of a Stormwater Detention Facility. This is the maximum volume that can be stored by a stormwater detention facility without causing damage to the public or encroachment upon private property. The capacity of a stormwater detention facility is generally determined utilizing average end area or similar volume calculation methods.

Channel. A natural or artificial watercourse of perceptible extent which periodically or continuously contains moving water, or which forms a connecting line between two (2) bodies of water. It has a definite bed and banks which serve to confine the water.

Control Structure. A facility constructed to regulate the volume and rate of stormwater that is released during a specific length of time.

Culvert. A closed conduit for the passage of surface drainage water under a roadway, railroad, or other surface impediment.

Detention Storage. Temporary detention or storage of stormwater in storage basins, on rooftops, in parking lots, school yards, parks, open space, lakes, ponds, or other areas under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, construction of or substantial improvements to buildings or other structures, the placement of mobile homes, paving, mining, filling, or other similar activities.

Village of Mahomet – Chapter 51
Stormwater Management

Discharge. The rate of outflow of water from a stormwater drainage or stormwater detention facility.

Diversion. The deflection of storm or stream waters in such a way that those waters flow into a watercourse to which they are not naturally tributary or that the point of discharge of these waters within a natural watershed is changed.

Drainage Area. The area from which water is carried off by a drainage system; a watershed or catchment area above a given point.

Drainage Easement. Authorization by a property owner allowing use of a designated portion of his / her property by others for drainage purposes.

Dry Bottom Stormwater Detention Basin. A facility that is designed to be normally dry and which accumulates stormwater runoff only during periods when the restricted stormwater runoff release rate is less than the stormwater inflow rate.

Dry Weather Water Outlet. A dry weather water outlet is an outlet from a sump pump, footing tile, field tile, or other source which may discharge at times other than during periods of rainfall and pursuant to direct surface runoff.

Excess Stormwater Runoff. That portion of stormwater runoff which exceeds the transportation capacity of storm sewers, swales, ditches or natural drainage channels serving a specific watershed.

Excess Stormwater Passageway. A channel formed on the surface of the soil to carry excess stormwater runoff through a specific area from dominant to servient land areas.

Flood Elevation. The elevation of all locations delineating the maximum level of high waters for a flood of a given return period.

Floodplain. The special flood hazard lands adjoining a watercourse or channel, the surface elevation of which is lower than the flood elevation and which are subject to periodic inundation during floods.

Floodway. A channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the design flood.

Grade. The inclination or slope of a channel, canal, conduit, etc., or natural ground surface, usually expressing in terms of percentage of the vertical rise (or fall) as compared to the corresponding horizontal distance.

Illinois Urban Manual. This term shall mean "A Technical Manual designed for Urban Ecosystem Protection and Enhancement", published by the United States Department of Agriculture, Natural Resources Conservation Service, latest edition thereof.

Impermeable. A term applied to material through which water cannot pass.

Impervious. A term applied to material through which water cannot pass, or through which water passes with great difficulty or at a very slow rate. For purposes of this Ordinance, any surface which would typically be assigned a Rational Method "C" value of 0.60 or greater shall be considered impervious.

Village of Mahomet – Chapter 51
Stormwater Management

Inlet. An opening into a storm drainage system for the entrance of surface storm runoff, more completely described as a storm drainage inlet.

Natural Drainage. Water flow by gravity in channels formed by the true surface topography of the earth prior to changes made by the efforts of man.

Natural Drainage Condition. The situation whereby water flows by gravity in channels formed by the true surface topography of the earth prior to changes made by the efforts of man or as defined by the Illinois Compiled Statutes.

Natural Safe Stormwater Drainage Capacity. The quantity of stormwater runoff that can be transported by means of a channel, passage, conduit, tube, duct, or combination thereof, in such a manner that the elevation of the water does not rise significantly above the level of the adjacent soil surface, and cause damage or encroachment upon public or private property. For the purposes of this Ordinance, it is presumed that the maximum natural safe stormwater drainage capacity for downstream stormwater drainage systems is the capacity required to carry the rate of stormwater runoff from a five (5) year return period storm prior to December 14, 1981.

Owner. The record title holder or a beneficiary of a land trust which is the record title holder, and includes singular or plural; if the owner is other than an individual, the term includes beneficiaries, agents, shareholders, officers and directors, partnerships, associations, firms, trusts, clubs, companies, or corporations.

Peak Flow. The maximum rate of flow of water at a given point in a channel or conduit resulting from a predetermined storm or flood.

Person. An individual, public or private corporation, unit of government, partnership, or unincorporated association.

Positive Gravity Outlet. A term used to describe the drainage of an area in a manner that will ensure complete removal of all surface water by means of gravity.

Recognized Agency. A governmental unit or agency which has statistically and consistently examined local, climatic, and geologic conditions and maintained records as they apply to stormwater runoff, e.g. National Weather Service, University of Illinois Engineering Experiment Station, and the Illinois State Water Survey.

Retention Basin. A structure or feature design to retain stormwater over a period of time, with its release being positively controlled over a longer period of time than a typical stormwater “detention” storage facility.

Return Period. The average interval of time within which a given rainfall event will be equaled or exceeded once. As an example, a flood having a return period of 50 years has a 2% probability of being equaled or exceeded in any one (1) year.

Runoff Coefficient. A decimal fraction relating the amount of rain which appears as runoff and reaches the storm sewer system to the total amount of rain falling. For example, a coefficient of 0.50 implies that 50% of the rain falling on a given surface appears as stormwater runoff.

Village of Mahomet – Chapter 51
Stormwater Management

Standard Specifications. The “Standard Specifications for Road and Bridge Construction” published by the State of Illinois Department of Transportation, latest edition.

Storm Drain. A closed conduit for conveying collected stormwater runoff.

Stormwater Drainage System. All means, natural or man-made, used for conducting stormwater to, through or from a drainage area to the point of final outlet, including but not limited to any of the following: conduits, storm drains, swales, canals, channels, ditches, streams, culverts, street gutters and pumping stations.

Stormwater Runoff. The water that results from precipitation which is not absorbed by soil or plant material, which does not evaporate and which flows over the surface of the ground or is collected in channels, conduits or ponds.

Stormwater Runoff Release Rate. The rate at which stormwater runoff is released from dominant to servient land.

Stormwater Storage Area. An area designated to temporarily accumulate excess stormwater.

Structure. Anything which is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, fences, signs, mobile homes, swimming pools, and walls.

Time of Concentration. The time required for stormwater runoff from the remotest part of the drainage basin to reach the point being considered. Minimum time of concentration requirements for design of stormwater drainage systems shall be 15 minutes.

Traditional Agricultural Uses. Uses commonly classes as agricultural or horticultural, including forestry, crop farming, truck gardening, wholesale nursery operations, animal husbandry, the operation of any machinery or vehicles incidental to said uses, and the construction of a single-family dwelling and other farm structures incidental to and typically associated with said uses. The terms does not include commercial feed lots, commercial grain storage / processing facilities or other similar agriculturally related commercial and industrial land uses.

Tributary Watershed. The entire catchment area that contributes stormwater runoff to a given point.

Village. The Village of Mahomet, Champaign County, Illinois and its staff and elected officials.

Watercourse. Any stream, creek, brook, branch, natural or artificial depression, slough, gulch, reservoir, lake, pond or natural or man-made drainageway in or into which stormwater runoff and flood waters flow either regularly or intermittently.

Wet Bottom Stormwater Storage Area. A facility that contains a body of water and which accumulates excess stormwater during periods when the restricted stormwater runoff release rate is less than the stormwater inflow rate.

(B) Words not defined shall be interpreted in accordance with the definitions contained in **Webster’s New Collegiate Dictionary.**

Village of Mahomet – Chapter 51
Stormwater Management

51.05 Drainage System Components

- (A) **Minor.** The Minor drainage system components shall consist of storm drains, street gutters, small open channels, and swales designed to store and convey the peak rate of runoff from the ten (10) year return period precipitation event of critical duration, as determined utilizing the Illinois State Water Survey Bulletin 70 (or the latest revision thereof), and shall generally conform to the requirements of the Village of Mahomet Infrastructure Design Manual.
- (B) **Major.** The Major drainage components, such as open ditches and large surface swales draining 40 acres or more in the area, shall be designed to store and convey stormwater flows beyond the capacity of the minor drainage components. They shall be designed to convey the peak rate of stormwater runoff from a twenty-five (25) year return period precipitation event.
- (C) **Excess Stormwater Passageways.** An excess stormwater passageway shall be provided for the floodplain of all natural water courses and such man-made water courses and storm drainage systems as the Administrator may direct, which shall have adequate capacity to convey the excess stormwater runoff from the tributary watershed. The capacity of this excess stormwater passageway shall be adequate to transport the peak rate of runoff from the one hundred (100) year return period storm, assuming all upstream areas are fully developed for uses specifically permitted by existing zoning, and antecedent rainfall in the tributary watershed is average (e.g. Antecedent Moisture Condition II).

No buildings or structures shall be constructed within this passageway; however, streets, parking lots, playgrounds, park areas, pedestrian walkways, open green space, and utility and sewer easements may be considered compatible uses.

51.06 Permits and Applications

- (A) **Requirement for Permit.** No person may undertake development under the jurisdiction of the Village of Mahomet set forth herein without first obtaining a stormwater management permit from the Village of Mahomet.
- (B) An application for a permit authorizing the construction of a stormwater drainage system and a stormwater detention facility shall be made on forms provided by the Administrator, and submitted along with a Stormwater Detention Plan at the same time as approval is required for a Final Plat of Subdivision, Conditional Use Permit, or Building Permit or any kind is requested, and **be accompanied by an application fee.** The amount of the application fee shall be as determined from time to time by Resolution of the Board of Trustees of the Village of Mahomet. No application shall be considered, or construction permit request approved, without prior payment of the application fee.

Village of Mahomet – Chapter 51
Stormwater Management

51.07 Drainage Plan Submittal Requirements

- (A) Once it is determined that a development is subject to the provisions of this Ordinance, the owner shall submit a Drainage Plan containing the information set forth in the Infrastructure Design Manual, to ensure that the provisions of this Ordinance are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts of the development on water resources both on-site and downstream, and the effectiveness of the proposed Drainage Plan in managing stormwater runoff. The applicant shall certify on the drawings that all clearing, grading, drainage, and construction shall be accomplished in strict conformance with the Drainage Plan.

- (B) All developers intending to carry out any development within the boundaries of the Village of Mahomet, shall cause Engineering Plans and Specifications to be prepared for all stormwater detention or retention basins regulated by this Ordinance. Said stormwater detention facilities shall be designed to conform to the standards set forth in this Ordinance hereafter and shall also conform to the minimum standards and requirements of other local, state and federal authorities which have jurisdiction over the development. Engineering Plans and Specifications shall be prepared under the supervision of an Engineer licensed pursuant to the laws of the State of Illinois and shall bear the Engineer's Seal and Signature.

Any developer wishing to carry out any development as defined in this Ordinance within the boundaries of the Village of Mahomet shall submit Engineering Plans and Specifications to the Administrator for review and written approval prior to the commencement of construction of any stormwater detention facility required or regulated by this Ordinance.

The Administrator or designated representative shall review all said Engineering Plans and Specifications for conformance with this Ordinance and within a reasonable time after receipt thereof and shall submit a written report to the developer setting forth any Village requirements which have not yet been met by the Plans and Specifications. Within 30 days of receipt of satisfactory Engineering Plans and Specifications, the Administrator shall determine whether to approve or disapprove the proposed stormwater detention facility or stormwater drainage facility and shall advise the requesting developer of his (her) determination in writing.

51.08 Design Requirements

- (A) **General Design Methods and Standards.** The design requirements for stormwater detention and drainage facilities set forth in the Infrastructure Design Manual shall be applicable and shall be satisfied prior to the construction, improvement or development of any structure, project or land which is subject to the provisions of this Ordinance.

Village of Mahomet – Chapter 51
Stormwater Management

51.09 Maintenance Responsibility

- (A) Maintenance of stormwater drainage facilities located on private property shall be the responsibility of the owner of that property. Before a permit is obtained from the Village of Mahomet, the applicant shall ensure that covenants are placed upon the property, guaranteeing that the applicant and all future owners of the property have sufficient funds to maintain and will maintain its stormwater drainage system. The covenants shall specifically authorize representatives from the Village of Mahomet to enter onto the property for the purpose of inspection and maintenance of the drainage system. The property's stormwater drainage system and shall provide for access to the system for inspection by authorized personnel of the Village of Mahomet.
- (B) The owner of any stormwater detention facility located upon private property shall enter into a maintenance agreement with the Village of Mahomet which shall set forth the minimum maintenance requirements for the basin and such other information as the Village of Mahomet may require.
- (C) In the event that an inspection by the Village of Mahomet reveals that the private stormwater drainage facilities are not properly maintained, the Village of Mahomet may require that proper maintenance be performed. The Administrator shall notify the property owner to begin any necessary corrections within thirty (30) calendar days of such notification and complete the corrections within ninety (90) calendar days. If the corrections are not made within this time period, the Village of Mahomet may have the necessary work completed and assess all the costs to the property owner, in a manner approved by the Village Attorney.
- (D) The private property owner may, after approval by the Administrator, assign the owner's maintenance responsibilities and duties under the terms of the covenants to a third party, such as a property owner's association, or other competent agency. When such an assignment is made, the entity undertaking the maintenance responsibility shall show evidence of financial ability to provide any maintenance required.

51.10 Inspections

- (A) **Inspections During Construction.** Construction of impervious surfaces shall not begin until the developer's engineer has certified in writing to the Administrator that any necessary stormwater detention facilities are in place and are operational. The Administrator, or his representative may conduct periodic inspections of the work in progress to be certain that the drainage system is being built as designed. If any violations of the provisions or requirements of this Ordinance are noted during such inspections, the Administrator shall notify the property owner in writing of the items needing correction.

The property owner shall have ten (10) calendar days to make such corrections unless given a specific extension of time in writing by the Administrator. Failure to complete such corrections within the specified time period shall constitute a violation of this Ordinance.

Village of Mahomet – Chapter 51
Stormwater Management

- (B) **Routine Inspections.** All privately owned drainage systems may be inspected by representatives of the Administrator at any reasonable time. If any violations of the provisions or requirements of this Ordinance are identified during such inspections, the Administrator shall notify the property owner in writing of the items needing correction. The property owner shall have thirty (30) calendar days to make such corrections unless given a specific extension of time in writing by the Administrator. Failure to complete such corrections within the specified time period shall constitute a violation of this Ordinance.

51.11 Approval of Constructed Facilities

- (A) **“As-Built” Drawings.** “As-Built” drawings must be prepared and submitted by an Illinois Professional Engineer stating conformance with the design plans before final approval of the constructed improvements by the Administrator.

Upon completion of construction of all stormwater detention facilities required and / or regulated by this Ordinance, all applicants shall deliver to the Administrator two (2) complete sets of “As-Built” plans, each sheet of which is clearly marked “As-Built”. “As-Built” plans shall depict the actual construction on the date of submittal of the plans. Said “As-Built” plans shall also include a signed verification by the developer’s engineer that the stormwater detention and drainage facilities were constructed in accordance with the approved Engineering Plans and Specifications and / or any modifications approved by the Administrator.

- (B) Within thirty (30) days after receipt of above said materials, the Administrator shall conduct a final inspection of the stormwater detention and drainage facilities required and / or regulated by this Ordinance. If the facilities are found to be satisfactory the Administrator shall approve in writing all constructed facilities which conform to the approved Engineering Plans and Specifications, and shall give written notification of the approval to the applicant.

The Administrator is authorized to reject any constructed facility which fails to conform to the approved Plans and Specifications. Upon such notification, the developer shall have thirty (30) days in which to carry out any work required to bring the stormwater detention or drainage facility into compliance with the approved Plans and / or Specifications.

Failure on the part of any applicant to so remedy any such non-compliance, may result in the Village of Mahomet utilizing funds obtained from the performance guarantee to properly complete the improvements.

Failure to properly complete the required stormwater detention and drainage facilities in a manner consistent with the approved Engineering Plans and Specifications shall be considered a violation of this Ordinance.

Village of Mahomet – Chapter 51
Stormwater Management

51.12 Performance Guarantee

- (A) **Performance Bond.** All developers shall execute a performance bond in favor of the Village of Mahomet which guarantees that all stormwater detention and drainage facilities regulated by this Ordinance shall be constructed and maintained as required in this Ordinance. The amount of the performance guarantee shall be not less than 120% of the estimated cost to construct the improvements. The form of the performance guarantee shall be as approved by the Village Attorney, and shall be similar to that utilized for subdivisions under the requirements of the Village of Mahomet Subdivision Ordinance.
- (B) **Performance Bond Security.** Each performance bond required by this Ordinance shall be secured in favor of the Village of Mahomet by one of the following methods or a combination of the following methods:
- (1) Cash, money order or cashier's check which shall be deposited in a segregated Village of Mahomet account for performance bonds and any interest earned shall be retained in the account for the use by the Village of Mahomet, should the developer fail to construct stormwater detention or drainage facilities as approved;
 - (2) Certificates of deposit payable to the Village of Mahomet; or
 - (3) Irrevocable Letter of Credit in a form approved by the Attorney for the Village of Mahomet.
- (C) **Release of Performance Bond.** Final release of the performance bond and security shall take place upon approval of the stormwater detention and drainage facility.

Upon satisfactory completion of all construction activities, and upon request of the applicant, and upon payment by the applicant of any costs incurred by the Village of Mahomet associated with the stormwater detention facility, the Village of Mahomet shall release the performance bond and the security in its entirety.

The release of any and all of the bond and its security shall be in writing.

- (D) **Performance by Village of Developer's Obligation.** Should the developer fail to construct the stormwater detention and drainage facilities as required by these regulations or fails to perform any of the obligations set forth in the Ordinance, the Village of Mahomet may liquidate any performance security in the Village's possession and use the proceeds to construct the stormwater detention and drainage facilities in whole or in part as the Village of Mahomet deems appropriate.

Village of Mahomet – Chapter 51
Stormwater Management

- (E) **Developer to Pay Village's Actual Costs of Construction to Remedy any Defect.** Notwithstanding the amount of the developer's performance bond, the developer shall pay all costs the Village of Mahomet actually incurs in designing and constructing stormwater detention or drainage facilities or correcting defects within facilities which the developer is required to construct or which the developer fails to design, construct or maintain free from defects in accordance with this Ordinance. If the amount of money received by the Village of Mahomet from the performance bond and security is insufficient to pay all such costs, the developer shall reimburse the Village of Mahomet for the remainder within twenty-eight (28) days of the Village of Mahomet submitting a bill for the balance due to the developer.

51.13 Dry Weather Water Outlets

(A) **Permits**

- (1) Dry weather water outlets are prohibited from discharging directly onto any public property, public right-of-way, public street or public sidewalk if such discharge creates or contributes to a public hazard or public nuisance. No person shall hereafter construct, build, establish, replace or maintain any dry weather water outlet which discharges onto a public right-of-way, public street, public sidewalk, roadside ditch, or other public property maintained by the Village without first obtaining a permit to do so from the Administrator.
- (2) Failure to obtain a permit from the Administrator for a dry weather water outlet discharge onto a public street, public sidewalk, or other public property shall be deemed a violation of his Ordinance.

- (B) **Sump Pumps.** Sump pumps installed to receive or discharge groundwater or stormwater runoff shall be connected to a storm drain where possible or discharged into a designated stormwater drainage facility. No sump pump shall discharge directly onto a street surface or public sidewalk. Sump pumps are prohibited from discharging in any way that would cause water to flow onto any public sidewalks, streets, or driveways within the public right-of-way. No sump pump outlets shall be connected to or discharged into a sanitary sewer.

- (C) **Footing Drains.** Footing drains and drainage tile shall discharge into a storm drain or other designated stormwater drainage facility. No footing drains or drainage tile shall be connected to a sanitary sewer or be discharged directly onto a street surface or public sidewalk.

(D) **Discharges**

- (1) Sump pumps, footing drains, downspouts, and other dry weather water outlets shall discharge not less than 5 feet away from the nearest property line. Such outlets shall not discharge directly onto an adjacent property.
- (2) All dry weather water outlets shall be operated and maintained by the property owner. Where mutual sump pump outlet pipes or drainage tiles are provided for use by multiple properties, an appropriate property owners association shall be designated to provide for the operation and maintenance of said drainage facilities.

Village of Mahomet – Chapter 51
Stormwater Management

- (E) **Downspouts.** Downspouts and roof drains shall discharge onto the ground or be connected to a storm drain. No downspouts or roof drains shall be connected to a sanitary sewer or be discharged directly onto a street surface or public sidewalk.

51.14 Variances

- (A) **Standards.** In order to promote the best possible development and use of land, the Administrator shall interpret the standards, provisions, and specifications contained in this Ordinance liberally and in favor of the public interest. Variations from these standards, provisions, and specifications may be granted when it is demonstrated to the satisfaction of the Zoning Board of Appeals that, owing to special conditions, a strict adherence to the provisions of this Ordinance will result in unnecessary hardship and that the spirit and intent of the Ordinance will be observed.
- (B) **Procedure.** A request for variation shall be filed by the owner with the Administrator, who shall refer it, together with his recommendation, to the Zoning Board of Appeals for decision. The request for variation shall be written and shall state specifically what variation is sought and the public's interest in granting the variation. The Zoning Board of Appeals shall meet within a reasonable time thereafter to consider the request.

51.15 Enforcement

- (A) The administration and enforcement of this Ordinance shall be the responsibility of the Administrator, as designated by the President of the Board of Trustees, or his / her assigns.
- (B) In carrying out the responsibilities of administering this Ordinance, the Administrator may establish rules and procedures to assist in his / her efforts, provided said rules and procedures conform to the intent and purpose of his Ordinance.
- (C) If, as part of his / her responsibilities of administering this Ordinance, the Administrator identifies ambiguities relative to the provisions of this Ordinance, the Administrator may independently, or after consultation with others, issue a written interpretation shall guide future administrative activities by the Administrator.

51.16 Severability

- (A) If any Section, clause, provision, or portion of this Ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in force and not be affected by such judgment.

Village of Mahomet – Chapter 51
Stormwater Management

51.17 Penalties

- (A) Any person or owner determined by the Administrator, or a court having jurisdiction, to be in violation of any of the provisions of this Ordinance shall be fined not less than \$50 and not more than \$500 for each violation. Each day the violation continues shall be deemed a separate offence.
- (B) The Village Administrator may determine and administratively assess a fine for any instance of noncompliance with this Ordinance which he may find, noting that said fine shall continue for each day that such violation continues. The per diem fine for noncompliance shall be \$50 per day. If the offender pays the administrative fine assessed and also corrects said noncompliance, then no further proceedings shall be required.

The Village Administrator may also, in the event he finds any improper construction activities or improperly constructed facilities not in conformance with this Ordinance, issue a stop work order which shall require the immediate cessation of any further work on the project or use of the improper facility until the violations are remedied.

- (C) The Village of Mahomet reserves the right to seek any and all additional legal remedies allowed by the Illinois Compiled Statutes and other Village of Mahomet Ordinances, against an owner deemed to be in violation of this Ordinance, including but not limited to personal judgments, and the recovery of all administrative costs incurred as part of the enforcement proceedings.

51.18 Appeals

- (A) Any person wishing to appeal a determination made by the Administrator under the provisions of this Ordinance may do so to the Village of Mahomet Zoning Board of Appeals by following the procedures set forth in the Zoning Ordinance. Failure to file said appeal within thirty (30) days after the Administrator's determination shall preclude further review. The appeal must state specifically:
 - (1) The determination made by the Administrator that is being appealed;
 - (2) The basis for the appeal;
 - (3) The position of the party appealing;
 - (4) Any supportive information for the position of the party appealing; and
 - (5) Such additional information as the party may wish to submit.
- (B) The request for an appeal shall be filed with the Administrator, who shall refer it to the Zoning Board of Appeals for decision. The Zoning Board of Appeals shall meet within a reasonable time thereafter to consider the appeal.

Village of Mahomet – Chapter 51
Stormwater Management

51.19 Disclaimer of Liability

- (A) The drainage design standards required by this Ordinance are considered reasonable for regulatory purposes and are based upon engineering and scientific methods of study. Larger rainfalls may occur on rare occasions, and greater runoff rates or decreased hydraulic capacities of the structure may occur due to uncontrollable circumstances.

This Ordinance does not imply that an area within or outside of the sites to which the standards of this Ordinance have been applied will be totally free from potential flooding or runoff damages. This Ordinance shall not create liability on the part of the Village of Mahomet or any officer or employees or agent thereof for any damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

51.20 Retroactivity

- (A) The adoption of this Ordinance, as herein provided, shall not operate to amend, modify or otherwise alter any current development or previously approved permits for development, absent resubmittal of application or the submittal of proposed amendments to permits or applications and the full and complete review, as herein provided, for determination of the application of the provisions within this Ordinance.

All work being performed under previously issued permits must be performed in conformance with the terms and provisions of each permit; and failure to so perform shall continue to give cause for the initiation of enforcement, prosecution or other pursuit of remedy against persons responsible for the violation of the provisions of the permit; notwithstanding the adoption of these provisions, enforcement and such other actions as may be necessary in order to compel compliance with the permit provisions are hereby directed and authorized, and the Ordinance upon which such actions are based are continued in full force and affects as applied upon the provisions of any heretofore issued permit.

51.21 Administrative Rules

- (A) **Administrative Rules and Construction Standards.** The Village of Mahomet may, from time to time, adapt administrative rules which implement, interpret and clarify the requirements of this Ordinance. Further, the Village of Mahomet may adopt construction standards which provide minimum requirements regarding the construction of common elements of stormwater detention and drainage facilities. All persons shall comply with these administrative rules and construction standards to the same extent as they are required to comply with this Ordinance.
- (B) **Infrastructure Design Manual.** The Infrastructure Design Manual adopted from time to time by the Board of Trustees of the Village of Mahomet contains the technical requirements and construction standards applicable to the design and construction of stormwater detention and drainage facilities in a manner consistent with this Ordinance. The Infrastructure Design Manual may be altered or modified by the Village from time to time as set forth in the established

Village of Mahomet – Chapter 51
Stormwater Management

procedures for its amendment. Applicants shall comply with the requirements of the Infrastructure Design Manual as a part of the implementation of this Ordinance.

51.22 Saving and Applicability

- (A) **Saving Clause.** Nothing herein hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any prior constitution or Ordinance. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

- (B) **Applicability.** When this Ordinance imposes a greater restriction than those imposed or required by the provisions of exiting Ordinances or rules and regulations, this Ordinance shall control. When the provisions of existing Ordinances or rules and regulations impose greater restrictions than those imposed or required by this Ordinance, they shall control. Areas within the Sangamon River Floodplain and other regulated floodplains are subject to the requirements of the Flood Hazard Area Development Regulations.