



ORDINANCE NO. 921

**AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW
MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE
NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE
AMENDMENTS REGULATING TO EROSION CONTROL**

Published in pamphlet form by authority of the Village President and
Board of Trustees of the Village of Mackinaw

NOVEMBER 14, 2016

STATE OF ILLINOIS)
COUNTY OF TAZEWELL) SS
VILLAGE OF MACKINAW)

CERTIFICATE OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Mackinaw, Tazewell County, Illinois (the "Issuer"), and as such official I am the keeper of the records and files of its President and Board of Trustees (the "Corporate Authorities").

I do further certify the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the *14TH day of NOVEMBER 2016*, insofar as same relates to the adoption of *Ordinance No. 921*, entitled:

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS RELATING TO EROSION CONTROL

A true, correct and complete copy of which ordinance (the "Preliminary Ordinance" or "Ordinance") as adopted at such meeting appears in the transcript of the minutes of such meeting. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly and was on the agenda at least 48 hours before the meeting at which it was adopted, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such ordinance.

The pamphlet form of *Ordinance No.921*, including the ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted for public inspection in the municipal building, the Mackinaw United States Post Office, and the Mackinaw Library commencing on *NOVEMBER 15, 2016* and continuing for at least ten days thereafter. The original ordinance was adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting, attended by six members of the Board, and approved by the President, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of Mackinaw, Illinois, this 25TH DAY OF NOVEMBER, 2016.



Village Clerk

ORDINANCE NO. 921

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS RELATING TO EROSION CONTROL

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW, TAZEWELL COUNTY, ILLINOIS:

SECTION 1: The Village Code of the Village of Mackinaw is hereby amended by creating a new Chapter 154 which shall be as follows:

CHAPTER 154 EROSION, SEDIMENT AND STORMWATER CONTROL

§154.01 DEFINITIONS.

As used in this Chapter, the following definitions shall apply unless the context otherwise requires:

CONTROL MEASURE: Any proposed temporary or permanent measures to be installed to control erosion, sediment and stormwater runoff from a project area.

DEPARTMENT: The Public Works Department of the Village of Mackinaw.

DEVELOPMENT: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, land fill, or Land Disturbing Activity; and any use or extension of the use of land.

DISTURBED AREA: Any area of land on which the predevelopment ground surface will be affected or altered by Development. This includes, but is not limited to, grading, clearing, stockpiling, tracking and other similar activities.

EROSION CONTROL ADMINISTRATOR: The Superintendent of Public Works or the person or persons appointed by the Village President and approved by the Village Board to administer this Chapter.

5-YEAR FREQUENCY STORM EVENT: The storm event rainfall depth during a twenty four (24) hour period which is exceeded, on the average, once every five (5) years.

INSTITUTIONAL USE: A religious, or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure or land use for public purpose.

LAND DISTURBING ACTIVITY: Any change in land within the Village, which

may result in soil erosion from water or wind and the movement of sediments into waters of the state or onto lands in the Village, or a change in the amount and/or intensity of stormwater runoff, including, but not limited to, the covering with an impervious surface, stockpiling, clearing, grading, excavating, rehabilitating, transporting, depositing or filling of land.

NORMAL AGRICULTURAL PRACTICES: Activities associated with the preparation and tilling of land for the purposes of growing crops, or raising livestock, which may include, but are not limited to, the construction of conservation measures, plowing, disking and cultivating.

PERIMETER CONTROL: Any control measure installed between the downslope side of the Disturbed Area and the property line and/or between the downslope side of the Disturbed Area and any area of concentrated flow.

PROJECT: Any Development involving modification to land which involves a Land Disturbing Activity.

ROAD: Any right of way that has been improved for the purposes of providing a surface for vehicular traffic, including any federal, state, county, township, and municipal controlled facilities.

SINGLE-FAMILY DWELLING: A building designed for residential occupancy by one family.

SITE: The lot or parcel on which the project is to be developed.

STANDARDS: The Illinois Environmental Protection Agency's "Illinois Urban Manual", a technical manual designed by Urban Ecosystem Protection and Enhancement published in 1995, and "Illinois Procedures And Standards For Urban Soil Erosion And Sedimentation Control", published in 1988 by the Urban Committee of the Association of Illinois Soil and Water Conservation now in effect or as hereafter amended.

25-YEAR FREQUENCY STORM EVENT: The storm event rainfall depth during a twenty four (24) hour period which is exceeded, on the average, once every twenty five (25) years.

TWO-FAMILY DWELLING: A building designed for residential occupancy by two (2) families.

2-YEAR FREQUENCY STORM EVENT: The storm event rainfall depth during a twenty four (24) hour period which is exceeded, on the average, once every two (2) years.

UTILITY SERVICE LINE: By which utility service is provided to service users, such as electric, telephone and television cable, or gas, water and sewer pipes.

VILLAGE: The Village of Mackinaw, Tazewell County, Illinois.

WORKING DAY: Shall not include Saturday, Sunday or any holiday when village offices are closed.

§154.02 APPLICABILITY OF CHAPTER.

This Chapter shall apply to:

(A) All projects within the boundaries or jurisdiction of the Village. No project shall be initiated within the boundaries or jurisdiction of the Village unless an erosion and sediment control permit, or an erosion sediment and stormwater control permit has first been issued for that project, except as follows:

(1) Land disturbing activities for which the Disturbed Area is less than five thousand (5,000) square feet;

(2) Normal Agricultural Practices;

(3) Projects undertaken by the Village's Department of Public Works;

(4) Routine maintenance of Roads and Utility Service Lines; or

(5) Any land within the boundaries or jurisdiction of the Village on which there is located a permanent stormwater control measure which was installed pursuant to this Chapter.

(B) The Erosion Control Administrator reserves the right to require any Land Disturbing Activity, regardless of Disturbed Area or type of activity, to comply with this Chapter if it is determined to be the cause of, or a contributor to, substantial existing or potential erosion, sediment, or stormwater impact.

§154.03 PERMANENT SOIL EROSION, SEDIMENT AND STORMWATER CONTROL MEASURES.

(A) ***Erosion And Sediment Control Measures:*** All Control Measures required under this Chapter shall conform to the Standards now in effect or as hereafter amended. All Control Measures installed shall be sufficient to prevent observable sediment from leaving the Site during a 5-year Frequency Storm Event. All sediment that moves off Site due to construction activity shall be removed before the end of the same workday. For example, installing a rock construction drive or cleaning tires could be used to minimize tracking of sediment onto public Roads.

(B) ***Permanent Stormwater Control Measures:*** Storm-water detention facilities shall be designed for a minimum 25-year rainfall event and ten (10) minute duration. Each stormwater detention area shall be provided with a method of emergency overflow in the event that a rainfall event in excess of a 25-year rainfall event occurs. This

emergency overflow facility shall be designed to function without attention or maintenance. Detention facilities shall be designed to have a dry bottom except when inundated immediately following a storm event. The stormwater runoff rate from the Site shall not exceed the 2-year predevelopment stormwater runoff rate from the Site. Evaluation of submitted plans shall be based on the Standards.

§154.04 TEMPORARY SOIL EROSION, SEDIMENT AND SORMWATER CONTROL MEASURES.

(A) *Temporary Control Measures Required:* On Site sediment Control Measures shall be constructed and functional prior to initiating land disturbing activities on the Site. Fully functioning temporary sediment Control Measures (including, but not limited to, Perimeter Controls) shall remain in place until the ground is stabilized with permanent ground cover. In cases where it is not practical to leave the temporary sediment Control Measures in place prior to establishing permanent ground cover (for example, when Control Measures need to be removed in order to grade the area or install pavement or sod), an exception will be made only if one of the conditions listed below will be met. In no way does adhering to one of the conditions below relieve the owner of responsibility to clean up or repair any damages caused from sediment or stormwater runoff leaving the Site.

(B) *Permanent Ground Cover:* Permanent ground cover shall be established with pavement, aggregate or sod within three (3) Working Days of the removal of temporary sediment barriers; or

(C) *Permanent Vegetation:* Permanent vegetation shall be established by seeding with anchored mulch or erosion control blanket within three (3) Working Days of final grading in the spring or fall seeding periods. All Disturbed Areas must have permanent ground cover established within six (6) months of the project completion, or within six (6) months of occupancy, whichever comes first. Summer seeding is acceptable on project areas which shall be watered. This does not apply to concentrated flow areas.

(D) *Maintenance:* Sediment Control Measures and temporary stormwater Control Measures are to be maintained so they are operating effectively until permanent ground surface protection and permanent stormwater Control Measures are established in a manner specified in the applicable permit issued pursuant to this.

(E) *Additional Control Measures:* The Erosion Control Administrator may require additional Control Measures pursuant to the Standards if determined as necessary after Site inspection, and prior to issuing the permit.

§154.05 RETROFITTING PRESENTLY DEVELOPED SITE.

In instances where the project involves a presently developed Site, the applicant may request an exemption from fully complying with the stormwater control requirements. The Erosion Control Administrator shall determine the type and extent of compliance required based on existing and proposed Site conditions, and the impact of

stormwater runoff on the surrounding area. This exemption will only be granted in cases where the proposed condition of the Site will not be significantly different from the existing condition as determined by the Erosion Control Administrator. The purpose of this subchapter is to allow for alterations to presently developed Sites without a major redesign of the existing (or nonexisting) stormwater system, while assuring that all projects will be moving closer to compliance with the stormwater control requirements of this Chapter.

§154.06 RESIDENTIAL EROSION AND SEDIMENT CONTROL PERMIT:

(A) Before commencing any project involving construction of a new Single- or Two-Family Dwelling, addition, garage or foundation, or commencing on any project disturbing an area greater than five thousand (5,000) square feet, the owner of the land, or his representative, shall file an application for a residential (1- and 2-family dwelling) erosion and sediment control permit, accompanied by a residential erosion and sediment control Site plan. See appendix B attached to the ordinance codified herein for erosion, sediment and stormwater control Standards.

(B) If more than one acre of ground is being disturbed, the project must comply with the Illinois Environmental Protection Agency (IEPA) by submitting to the IEPA a Storm Water Pollution Prevention Plan (SWPPP) and notice of intent. A copy of the approved permit by the EPA must be submitted to the Village of Mackinaw before the Village will issue a permit.

(C) The following process shall be followed to obtain a residential erosion and sediment control permit.

(1) Application: The applicant shall file the application and residential Site plan with the Village Clerk on forms provided by the Village and an application fee for a residential erosion and sediment control permit of twenty five dollars (\$25.00).

(2) Application Review: The Erosion Control Administrator shall not take any action on a request until a complete application is received by the department. Upon receipt of a complete application, the Erosion Control Administrator shall initiate the review process for a residential erosion and sediment control Site plan. Once the review process is complete, the Erosion Control Administrator shall either issue or deny the permit. If the permit is denied, it shall be returned to the applicant with a written explanation of its denial.

(3) Duration: The residential erosion and sediment control permit shall expire upon completion of the project and inspection and approval by the Erosion Control Administrator.

(4) Content Of Residential Erosion And Sediment Control Permit: The residential erosion and sediment control permit shall contain, at a minimum,

the following general conditions:

- (a) *Written Approval*: That written approval be obtained from the Erosion Control Administrator prior to making any modification to the erosion and sediment control plan as set forth in the application; and
- (b) *Installation Of Control Measures*: That all Control Measures identified in the application shall be installed; and
- (c) *Maintenance Of Control Measures*: That all Control Measures shall be maintained during construction; and
- (d) *Other Conditions*: Such other conditions as the Erosion Control Administrator deems appropriate to ensure compliance with the specific requirements and the intent of this.
- (e) *Permanent Ground Surface Cover*: Under all circumstances, temporary Control Measures shall be maintained. Without exception, all Disturbed Areas must have permanent ground cover within six (6) months of project completion, or within six (6) months of occupancy, whichever comes first. Temporary erosion Control Measures shall remain in place until permanent ground cover has been established.

§154.07 STANDARD EROSION, SEDIMENT AND STORMWATER CONTROL PERMITS:

Before commencing any commercial, institutional, multi-family or industrial project disturbing more than five thousand (5,000) square feet of ground; or a project requiring subdivision approval by a unit of local government disturbing more than five thousand (5,000) square feet of ground, the owner of the land, or his representative, shall file a standard erosion, sediment, and stormwater control permit application.

(A) *Application*: The applicant shall file the application and residential Site plan with the Village Clerk on forms provided by the Village and an application fee for a residential erosion and sediment control permit of twenty five dollars (\$25.00).

(B) *Exhibits to Application*: Each application shall be accompanied by the following information:

- (1) Copy of the NPDES permit from the IEPA for all projects that disturb more than one acre.
- (2) Storm Water Pollution Prevention Plan (SWPPP) for all projects that disturb more than one acre.

(3) Detailed Site plan.

(4) Design calculations and information related to the permanent stormwater detention system for any project with a net increase of impervious area greater than one-fourth (1/4) of an acre (10,890 square feet) in the past five (5) years. For example, in year 1, a commercial Site increases the parking lot by five thousand (5,000) square feet. In year 2, the same commercial Site adds a building with an area of six thousand (6,000) square feet. In year 1, no permanent stormwater Control Measures (or calculations) are required by this. In year 2, stormwater calculations shall be submitted and shall be based on the total increase of eleven thousand (11,000) square feet of impervious area.

(5) The stormwater detention facility shall be sized according to the Standards.

(6) A licensed professional engineer must sign and seal the detention calculations and design.

(7) Developments which are large, complex, or extra sensitive to drainage considerations may require more sophisticated analysis. The Village of Mackinaw maintains the sole right to determine adequacy of stormwater detention.

(8) A plan for the continued management and maintenance of such permanent Control Measures shall also be provided by the applicant.

(C) **Application Review:** The Erosion Control Administrator shall respond in writing to the sediment and erosion control practices portion. The Erosion Control Administrator shall also respond to the control portion of the application by either issuing a permit, issuing a request for additional information, or issuing a statement denying the permit with an explanation of cause.

(D) **Duration:** An erosion, sediment and stormwater control permit shall expire upon completion of the project and final inspection and approval of the Erosion Control Administrator.

(E) **Permit Conditions:** The standard erosion, sediment and stormwater control permit shall contain, at a minimum, the following general conditions:

- (1) Written approval shall be obtained from the Erosion Control Administrator prior to making any modification to the approved erosion and sediment control plan as set forth in the permit;
- (2) That all Control Measures required in the permit shall be installed;
- (3) That all Control Measures shall be maintained during construction;

(4) Such other conditions as the Erosion Control Administrator deems appropriate.

(F) ***Permanent Ground Surface Cover:*** Without exception, all Disturbed Areas must have permanent ground cover within six (6) months of project completion, or within six (6) months of occupancy, whichever comes first. Temporary erosion Control Measures shall remain in place until permanent ground cover has been established.

(G) ***Final Inspection;*** Notice of Permanent Stormwater Control Measures: Within fourteen (14) days after completion of construction, the applicant shall notify the Erosion Control Administrator that the permanent stormwater Control Measures are ready for final inspection. No certificate of occupancy with respect to any improvements located on the Site shall be issued in the absence of compliance with the provisions of this Chapter.

§154.08 MAINTENANCE OF PERMANENT STORMWATER CONTROL MEASURES:

Anyone owning property with a permanent stormwater control measure existing thereon, including those installed pursuant to this Chapter, shall maintain the control measure so that it functions in compliance with the Standards.

§154.09 REIMBURSEMENT OF ENGINEERING FEES:

Should any representative of the Village deem it necessary to obtain the services of a professional engineer to review or verify the calculations or conclusions submitted to the Village in connection with any application for a permit to undertake construction activities, to conduct inspections while an applicant engages in construction activities after issuance of a permit, or to undertake any other reasonably necessary investigations or activities, the applicant for such permit may be required to reimburse the Village for the reasonable cost of such services. By submitting an application to undertake construction activities, the applicant shall be taken to have agreed to pay any such fees. The Superintendent of Public Works shall refuse to issue a permit for any construction activities within a steep slope zone until all actual or estimated engineering fees billed under the provisions of this subchapter have been paid in full. The Superintendent of Public Works shall refuse to issue a certificate of occupancy for any improvements until all engineering fees due under the provisions of this sub have been paid in full. The Superintendent of Public Works may, as a condition to commencing the process of considering an application for a special use under the provisions of this Chapter, require advance payment of the estimated cost of such engineering fees.

§154.10 SECURITY FOR COMPLETION OF IMPROVEMENTS:

In order to secure compliance with this Chapter including the completion of construction activities within a steep slope zone in accordance with the provisions of any report submitted in support of an application to undertake such activities and/or to secure compliance with the terms of any permit or special use authorized under the provisions of

this Chapter, the Village of Mackinaw may require the applicant to post security in the form of either a performance bond or a letter of credit. Any such performance bond or letter of credit shall make funds available to the Village in an amount which reasonably approximates the cost of completing any construction activities commenced under the terms of any permit or special use and/or the cost of completing the restoration of the affected property in the event that construction activities are commenced but not completed. In the event that construction activities are commenced but not completed in accordance with any applicable permit or special use, the Village may, at its option, either complete any authorized construction activities or undertake restoration of the affected property. Should it complete the authorized construction activities or undertake restoration of the affected property, the Village may pay any costs that it incurs by drawing on the performance bond or letter of credit posted with respect to the affected property. A performance bond or letter of credit required under this subchapter shall contain such terms and conditions as the Village deems reasonably necessary to insure the availability of funds in the amount of the security instrument for the purpose of completing any construction activities or completing any restoration.

§154.11 ENFORCEMENT, PENALTY AND STOP WORK ORDER FEE:

(A) This shall be administered and enforced by the Erosion Control Administrator, who shall make or cause to be made, periodic inspections of all work authorized by permits issued in accordance with this to ensure that said construction is in compliance with the provisions of the same; he shall make or cause to be made, investigations of violations of this and shall cause any violations to be corrected.

(B) Any permit issued pursuant to this shall be revoked by the Erosion Control Administrator when he finds from personal inspection or from competent evidence that the rules, regulations, or Standards under which said permit was issued are being violated.

(C) Failure to obtain a permit as required by this or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this title and the violator shall be subject to the fines and penalties set forth in this subchapter.

(D) Upon due investigation, the Superintendent of Public Works may determine that a violation of the minimum Standards of this exists. The Superintendent of Public Works shall notify the owner in writing of such violation. If the owner, permit applicant or permit holder fails to correct the violation within twenty four (24) hours or disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any provisions.

(1) The Village may make application to the circuit court for an injunction requiring the conformance with this or make such other order as the court deems necessary to secure compliance with this Chapter.

(2) The Erosion Control Officer may issue a stop work order regarding any work or activity violating this Chapter.

(3) A separate offense shall be deemed committed upon each day during or on which a violation continues or occurs.

(4) The Village may charge a stop work order or application revocation fee of seventy five dollars (\$75.00) and also require the violator to reimburse the Village for any costs, fees or expenses incurred by the Village for inspection, review or consultation with the Village Engineer regarding the violation and nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.


SECTION 2: If any or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 3: This Ordinance shall take effect 10 days after publication thereof as provided by law.

SECTION 4: Ordinance No. 513 of the Village of Mackinaw, as amended by this Ordinance, shall remain in full force and effect and all previous amendments to Ordinance No. 513 shall remain in force and effect except as modified by this Ordinance

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 14th day of November, 2016.

APPROVED:



President of the Board of Trustees of
The Village of Mackinaw

ATTEST:



Village Clerk

AYES:	<u>4</u>
NAYS:	<u>0</u>
ABSENT:	<u>2</u>