

ORDINANCE NO. 11-O-23

AN ORDINANCE PERTAINING TO THE STORMWATER MANAGEMENT ORDINANCE AND PROVIDING FOR CERTAIN AMENDMENTS FOR THE CITY OF WOODSTOCK, McHENRY COUNTY, ILLINOIS

WHEREAS, on January 20, 2004 the McHenry County Board adopted the McHenry County Stormwater Management Ordinance, and

WHEREAS, the City Council of the City of Woodstock has previously approved Ordinance Number 04-O-85 which adopted the standards and regulations of the McHenry County Stormwater Management Ordinance with certain modifications, additions, and deletions, and

WHEREAS, the City of Woodstock has been designated as a Certified Community under the provisions of the County Ordinance, and

WHEREAS, on October 19, 2010 the McHenry County Board amended the McHenry County Stormwater Management Ordinance, and

WHEREAS, the City of Woodstock desires to amend the provisions and requirements of the Woodstock Stormwater Management Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the CITY OF WOODSTOCK, McHenry County, Illinois, as follows:

Section One. That Article IV: General Provisions and Jurisdiction, Section B. (Exempted Development) be amended to read as follow:

All development shall meet the minimum state, federal and local regulations. No development is exempt from the floodplain (Article V.G), wetland (Article V.H) and soil erosion and sediment control (Article V.E) provisions of this Ordinance.

Upon review and verification by the Enforcement Officer, that 1, 2, 3, or 4 below are met, the following are exempt from other Ordinance standards:

1. An annexation agreement, final plat, building permit, replat of industrial subdivision, or replat of commercial subdivision approved prior to June 1, 2004,

provided that the stormwater management system is installed, functioning and in compliance with all applicable stormwater management regulations then in effect.

2. A public road development having an awarded construction contract prior to June 1, 2004, or a preliminary engineering plan approved by the appropriate jurisdiction authority prior to June 1, 2004, provided that the drainage component is consistent with the stormwater management regulations then in effect.
3. Earth extraction and mining operations having received a conditional use permit prior to October 19, 2010 shall not be required to obtain a stormwater management permit, provided that the conditions of the conditional use permit are at least as stringent as the provisions of this Ordinance.
4. A public road development that is located in a regulatory floodway and obtained approval from the Illinois Department of Transportation/Division of Highways and IDNR/OWR is exempt from the hydrologic and hydraulic modeling requirements of this Ordinance (Article V.G.1.b(4))

Section Two. That Article IV: General Provisions and Jurisdiction, Section F (Permit Terms and Conditions), Paragraph 1 be amended as follows:

1. The term of a stormwater management permit shall be from the issue date to the expiration date which is two years after the issue date, except that the term of a stormwater management permit for earth extraction and mining operations shall be for the term of the conditional use permit, provided that the term of the conditional use permit does not exceed ten years.

Section Three. That Article IV: General Provisions and Jurisdiction, Section G. (Countywide Permits) be amended to read as follows:

The MCSC will issue countywide permits pertaining to specific types of development in an effort to expedite the permit process. Each countywide permit will specify the terms, conditions and fee for a specific type of development to assure compliance with the purpose and intent of this Ordinance. Subsequent to the issuance of a countywide permit, individual permit applications are required if specified in the special conditions and authorization may be given if the applicant agrees with the terms and conditions of the countywide permit. A countywide permit will be issued only after notice and opportunity for public review and comment and approval from IDNR/OWR. Countywide permits shall indicate an expiration date not to exceed 4 years from the date it is issued. Compliance with the conditions of any agreed upon countywide permits will be the responsibility of the applicant. The County can inspect all development projects before, during and after the development construction to ensure the permittee is in compliance with the issued permit according to Article III of this ordinance.

The City of Woodstock will not accept or approve permit applications under the provisions of a County wide permit.

Section Four. That Article V: Performance Standards, Section B (Water Quality Protection), Paragraph 1 be amended to read as follows:

The standards of this section shall apply to all regulated development.

1. Public Road development that results in less than 1.5 acres of new impervious area or less than the rate of 1.5 acres of impervious area per linear mile shall meet the water quality and buffer standards to the extent that is practicable due to limited site conditions.

Section Five. That Article V: Performance Standards, Section F (Stormwater Management) be amended to read as follows:

The provisions of Article V.F.7 and 8 apply to all regulated development. The provisions of Article V.F.1 through 6 apply only to intermediate and major development, unless warranted for a minor development by site specific conditions, as determined by the Enforcement Officer.

Section Six. That Article V: Performance Standards, the first two paragraphs of Section F (Stormwater Management) excluding the numbered paragraphs be amended to read as follows:

The provisions of Article V.F.7 and 8 apply to all regulated development. The provisions of Article V.F.1 through 6 apply only to intermediate and major development, unless warranted for a minor development by site specific conditions, as determined by the Enforcement Officer.

Public road developments that result in less than 1.5 acres of new imperviousness or less than the rate of 1.5 acres of new imperviousness per linear mile shall meet the stormwater management standards to the extent that is practicable due to limited site conditions. The detention facility for the adjacent development shall include the public roadway improvements that are required as part of the development.

Section Seven. That Article V: Performance Standards, Section G. b.4 (Hydraulic models) be amended to read as follows:

Hydraulic models: HEC-2, HEC-RAS

Or a technique approved by the MCSC and the IDNR/OWR.

Section Eight. That Article V: Performance Standards, Section H.6.g (Wetland Mitigation Requirements) be amended to read as follows:

- g. Any funds paid into an MCSC/MCSMO certified community approved wetland restoration Fund for mitigation of wetland impacts shall only be used to fund wetland restoration activities located fully within McHenry County.

Section Nine. That Article V: Performance Standards, Section H.7.e (Wetland Banking) be amended as follows:

Payment into the Wetland Restoration Fund is not allowed if the wetland impact is in the same watershed as a Wetland Bank in existence at the time the Wetland Restoration Fund is established, as long as the Wetland Bank has available credits. The four mitigation banks in existence at the time the Wetland Restoration Fund is established are:

- (1) Sybaquay Girl Scout Camp – Kishwaukee River Watershed.
- (2) Kishwaukee Bottoms – Kishwaukee River Watershed.
- (3) Marengo- Kishwaukee River Watershed and
- (4) Slough Creek – Nippersink Creek Watershed.

Section Ten. That Article IX: Violations and Penalty be amended as follows:

Any person who violates, disobeys, omits, neglects, refuses to comply with or resists the enforcement of any provision of this Ordinance, including but not limited to: obtaining a required stormwater management permit, violating a condition of an issued stormwater management permit, or violating a stop work order shall be in violation of this Ordinance and subject to various available legal or equitable actions, remedies and penalties.

- A. Failure to comply with any of the requirements of this Ordinance shall constitute a violation, and any person convicted thereof shall be fined not more than seven hundred fifty (\$750.00) dollars for each offense. Each day the violation continues shall be considered a separate offense.
- B. Whenever the enforcement officer finds a violation of this Ordinance, or of any permit or stop work order, within his or her respective jurisdiction, the enforcement officer may pursue any one or more of the following legal or equitable actions, remedies and penalties against any person found to be in violation of this Ordinance including but not limited to:
 1. The enforcement officer may initiate a complaint and civil legal action in a court of competent jurisdiction against any person in violation of this Ordinance;
 2. The enforcement officer may revoke any stormwater management permit issued;
 3. The enforcement officer may require the person to apply for an “after – the-fact” stormwater management permit, including any and all supporting documentation required thereto, for any unpermitted, unauthorized development, disturbance, or impact;
 4. The enforcement officer may issue a stop work order requiring the suspension of any further work on the site. Such stop work order shall be

in writing, indicate the reason for its issuance, and require compliance with this Ordinance prior to completion of the activity in violation;

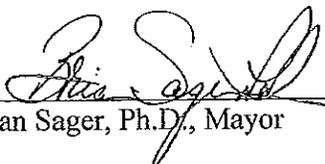
5. The enforcement officer may take other legal action including but not limited to a temporary restraining order and other preliminary or permanent injunctive relief necessary to prevent further harm or violation and/or remedy any harm or violation that has already occurred, and if applicable require removal, correction, remediation and/or mitigation for said harm and violation. In addition to any fine or other relief, all costs and expenses, including reasonable attorneys fees incurred, may be recovered;
6. The enforcement officer may require removal, correction, remediation and/or mitigation for any harm and violation that has occurred and require that the area be fully restored to its condition prior to such development disturbance or impact; and
7. The enforcement officer may, after notice is sent to the owner (s) of the parcel (s) upon which the violation is located, record the complaint filed, the notice of violation or any stop work order with the title to the property at the McHenry County Recorder of Deeds Office.

Section Eleven. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Twelve. That this ordinance shall be known as Ordinance No 11-O-
23 and shall be in full force and effect from and after its passage, approval, and publication as is required by law.

PASSED by the City Council of the CITY OF WOODSTOCK, McHenry County, Illinois and approved by me this 15th day of March, 2011.

Ayes: Ahrens, Dillon, Saladin, Thompson, Turner and Mayor Sager
Nays: None
Abstentions: None
Absentees: Larson



Brian Sager, Ph.D., Mayor

Attest:



City Clerk

Approved As To Form:



City Attorney

I, Meaghan Haak, do hereby certify by my signature affixed below that I am the duly appointed and qualified City Clerk of the City of Woodstock, County of McHenry, Illinois, and that as such clerk, I am the keeper of the ordinances, records, corporate seal and proceedings of the Mayor and City Council of said City of Woodstock.

I do hereby further certify that at a meeting of the Mayor and City Council of the City of Woodstock, McHenry County, Illinois, held on the 15th day of March 2011 the foregoing ordinance, Ordinance No. 11-O-23 "**An Ordinance Pertaining to the Stormwater Management Ordinance and Providing for Certain Amendments for the City of Woodstock, McHenry County, Illinois**" was passed and approved. The passage of said Ordinance was on a roll call vote, on which the vote was as follows:

Ayes: Ahrens, Dillon, Saladin, Thompson, Turner, and Mayor Sager

Nays: None

Absentees: Larson

Abstentions: None

I do further certify that said Ordinance was duly published on the 16th day of March, 2011 in pamphlet form.

IN WITNESS WHEREOF, I have set my hand and caused to be affixed the seal of the City of Woodstock, McHenry County, Illinois on the 16th day of March 2011.



Clerk Meaghan Haak
City of Woodstock
By Deputy Clerk Cindy Smiley

SEAL