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CHAPTER 33 -- MISCELLANEOUS REGULATIONS

ARTICLE 1 -- WEED CONTROL

Section 33-101. NOXIOUS WEEDS A NUISANCE. All noxious weeds defined in this article are a nuisance to health and welfare, and are hereby declared to be a public nuisance.

Section 33-102. NOXIOUS WEEDS DEFINED. Noxious weeds are defined as Canada Thistles (Cirsium Arvense) and all its varieties, Perennial Sow Thistles (Sonchus Arvensis), European Bindweed (Convolvulus Arvensis), Leafy Spurge (Tithymalus Esula), Russian Knapweed (Centaurea Repens), Hoary Cress (Lepidium Draba), Ragweed (Ambrosia), Dandelion Weed, Jimson Weed, Burdock, Cockleburrs, and like weeds, as well as any other wild, uncultivated or uncontrolled growth of vegetation. (Ordinance No. 78-20, 8.01.78)

Section 33-103. DESTRUCTION OF NOXIOUS WEEDS REQUIRED. It shall be unlawful for any person, firm or corporation owning or controlling any lot or plot of ground to permit the growth of noxious weeds to exceed six inches (6") in height; all such weeds shall be cut, pulled, destroyed, or sprayed with efficient chemical weed killers which have been approved by the Illinois Department of Public Health for such use, by the owner or person in control of said lot or plot. The failure to destroy such weeds exceeding six inches (6") in height shall constitute a violation of this article. (Ordinance No. 78-20 - 8.1.78)

Section 33-104. PAYMENT OF EXPENSE OF DESTROYING WEEDS. When the owner or person in control of any lot or plot of ground fails to destroy or spray noxious weeds therein, as herein required, the President, with the advice and consent of the Village Board, shall cause said weeds to be destroyed; and any reasonable expense incurred by the Village in so doing shall be a charge against the owner so failing, which may be recovered in an appropriate action of law.

Section 33-105. LIEN FOR CUTTING EXPENSE. In addition to all other remedies provided by law, the Village shall have a lien on the lot or plot of real estate on which said noxious weeds are growing, for the reasonable cost of the cutting, removal and destruction of such weeds, pursuant to Section 11-20-7 of the Illinois Municipal Code. Such lien shall be superior to all other liens and encumbrance except tax liens.

Section 33-106. NOTICE OF LIENS. The Village Board shall file, in the name of and on behalf of the Village, a Notice of Lien in the office of the Recorder of Deeds of the county in which such lot or plot is located within 60 days after such expense is incurred. Such notice shall consist of a sworn statement setting out:
(1) A description of the real estate sufficient for the identification thereof;

(2) The amount of money representing the cost and expense incurred by the Village.

Section 33-107. RELEASE OF LIEN. Upon payment of the cost and expense by the owner of, or persons interested in, said real estate after the Notice of Lien has been filed, the Village Board shall issue a Release of such lien, which may be filed of record in said Recorder's office.

Section 33-108. PENALTY. The penalty for violation of any provision of this Article, unless otherwise provided, shall be not less than Seventy Five Dollars ($75.00) nor more than Five Hundred Dollars ($500.00) for each offense, and a separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. (Ordinance No. 00-076, 04.25.00)
ARTICLE 2 -- REMOVAL OF ELM TREES INFECTED WITH DUTCH ELM DISEASE

Section 33-201. DEFINITIONS. The following definitions shall be used in the construction and interpretation of this Article:

(A) Elm Bark Beetle: The European Elm Bark Beetle known scientifically as Scolytus Multisriatus.

(B) Diseased Tree: A tree infected with Dutch Elm Disease.

(C) Dutch Elm Disease: A disease known scientifically as fungus Certostamella ulmi, fungus Graphium ulmi, or Phloem necrosis, and also commonly known as Elm blight.

(D) Premises: Any lot or tract of land within the Village of Bolingbrook not owned by the said Village or dedicated for public use.

(E) Tree: Any tree of the species Elm, Zelkova, and Planera, and which includes any portions thereof, the stumps thereof, and any wood piles consisting of portions of any such tree.

Section 33-202. DUTCH ELM DISEASE - NUISANCE. Any tree found to be infected with Dutch Elm disease, as determined by laboratory analysis, located on any premises in the Village shall hereby be declared to be a public nuisance and it shall be removed and burned within thirty (30) days following receipt of the notice for which provision is made herein. It shall be unlawful for any person, firm or corporation that owns any premises on which a diseased tree is located, to allow such tree to remain on any such premises after the expiration of 30 days after receipt of notice pursuant to Section 33-205 of this article.

Section 33-203. BREEDING PLACES OF ELM BARK BEETLES - NUISANCE. Trees, or parts thereof, in a dead or dying condition, including stumps and wood in wood piles, that may serve as a breeding place or places of the Elm Bark Beetle are hereby declared to be public nuisances. It shall be unlawful for any person, firm or corporation that owns premises on which any such trees, parts thereof, stumps or wood piles are located to permit the same to remain thereon after the expiration of 30 days after receipt of a notice to remove the same pursuant to Section 33-205 of this Article.

Section 33-204. ENFORCEMENT AND INSPECTION. The provisions of this Article 2 shall be enforced by the Superintendent of Streets. The Superintendent of Streets, or his duly authorized representative is hereby authorized, after giving notice of his intent and purpose, to enter in or upon any premises in the Village, at all reasonable hours, for the purpose of inspecting such premises as he, or his duly authorized
representative, has reasonable cause to believe may contain diseased trees or breeding places of the Elm Bark Beetle. The Superintendent of Streets, or his duly authorized representative, may remove from such trees such samples, borings or specimens as are required for the purpose of making a laboratory analysis to determine whether any tree located thereon is infected with Dutch Elm disease or is a breeding place of the Elm Bark Beetle. It shall be unlawful for any person, firm or corporation to prevent the Superintendent of Streets, or his duly authorized representative, from entering upon such premises for the purpose of carrying out his duties hereunder or to interfere with the Superintendent of Streets, or his duly authorized representative, in the performance of his lawful duties under the provisions of this Article 2.

Section 33-205. NOTICE. If any tree growing on any premises in the Village is found to be infected with Dutch Elm disease the Superintendent of Streets shall serve a notice upon the owner or occupant of the premises on which the said tree is growing to remove the said tree within 30 days. Such notice shall be served personally on, or sent by registered mail to, the person to whom was sent the tax bill for general taxes for the last preceding year on the property on which the said infected tree or trees are located. Such notice shall contain the following information:

(A) The identity of the property, by common description;
(B) The tree infected;
(C) A notice that it is unlawful to permit such infected tree to remain on the property;
(D) A request for the removal of the tree;
(E) A notice that if the tree is not removed within 30 days, the Village will remove the same and charge the cost thereof to the owner or occupant of the premises; and
(F) A notice that if the cost and expense incurred in the removal of such infected tree is not paid, then within 60 days after the incurrence of such cost and expense a notice of lien on the real estate affected will be filed in the office of the Recorder of Deeds or the Registrar of Titles, whichever is applicable, of the appropriate county.

Section 33-206. ABATEMENT. If any person served with a notice to remove a diseased tree refuses or neglects to remove the said tree within 30 days of the date that such notice is received, then the Superintendent of Streets, or his duly authorized representative, agent or contractor, may enter in or upon the premises where the said diseased tree is located and remove the said tree. The cost and expense of such removal shall be charged to and paid by the owner or occupant of the lot or premises.
**Section 33-207. LIENS.** If a diseased tree is removed by the Village, or by someone directed to remove the said tree on behalf of the Village, a notice of lien containing the cost and expense of removal incurred by the Village may be recorded in the following manner: The Village, or the person or firm authorized by the Village to remove such tree in his or its own name, shall file a notice of lien in the office of the Recorder of Deeds or the Registrar of Titles, whichever is applicable, of the appropriate county. The lien notice shall consist of a sworn statement setting out:

(A) A description of the real estate sufficient for identification thereof;

(B) The amount of the cost and expense incurred or payable for the service;

(C) The date or dates when such cost or expense was incurred by the Village.

Such notice shall be filed within 60 days after the cost and expense has been incurred.

**Section 33-208. RELEASE OF LIEN.** Upon payment of the cost and expense by the owner or persons interested in the real estate affected, after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the releases may be filed of record in the same manner herein provided for the filing of a notice of lien.

**Section 33-209. PENALTY.** Any person, firm or corporation violating any provision of this Article 2 shall be fined not less than Fifty Dollars ($50) nor more than Five Hundred Dollars ($500) for each offense, and a separate offense shall be deemed to have been committed on each day during or on which a diseased tree is permitted to remain after thirty (30) days from receipt of notice. (Ordinance No. 81-4, 2.10.81)
ARTICLE 3 -- (DELETED BY ORDINANCE NO. 77-36, 5.17.77)
ARTICLE 4 -- NUISANCES

Section 33-401. DEFINITIONS.

(A) Nuisance. Whenever the word "nuisance" is used in this article it shall mean any act which the common law classifies as a nuisance, or any act declared a nuisance by this Code or by a statute of the State of Illinois.

(B) Dense Smoke. Whenever the word "dense smoke" is used in this article it shall mean that concentration of smoke of a degree of density of number three or greater on the Ringelmann Smoke Chart issued by the United States Bureau of Mines, or an equivalent number on some other chart, for more than six minutes in any hour, whether such period of time is consecutive or not.

(C) Particulate Matter. Materials other than water which is suspended or discharged into the atmosphere in a finely divided form as a liquid or a solid.

Section 33-402. NUISANCES PROHIBITED. It shall be unlawful for any person to cause a nuisance, or to permit a nuisance to continue under his control, or to fail to abate any nuisance after notification or recognition of its existence.

Section 33-403. SPECIFIC NUISANCES. Any one or more of the following shall be deemed to be and are hereby declared nuisances:

(A) Obstructing any water course or source of water supply in the Village.

(B) Pollution of any course, pool, or source of water supply in the Village.

(C) Any stagnant pool of water.

(D) Any uncovered piles of garbage or refuse of any kind.

(E) Any buried garbage or refuse of any kind buried within the Village.

(F) Any building or structure in such a condition as to be dangerous to the public in any way.

(G) Spitting or expectorating on any public sidewalk or other public place, or on the floor or walls of any store, theater, hall, public vehicle, or other place frequented by the public or to which the public is invited.

(H) Any infestation of rats and vermin.
(I) Any accumulation on any property of debris, objects, materials, or condition which may create a health, accident or fire hazard, or which constitutes a blighting or deteriorating influence on the neighborhood.

Section 33-404. SMOKE AND PARTICULATE MATTER. The emission of dense smoke or particulate matter containing more than 10% by weight of particles having a particle diameter of more than 44 microns is hereby declared to be a public nuisance. It shall be unlawful for any person to cause or to knowingly permit the emission of smoke or particulate matter from any fire, chimney, engine, oil burner or from any other source in the Village in violation of this section.

Section 33-405. DUST PREVENTION. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, and the like, shall be kept to a minimum (within the particulate matter weight standards above) by landscaping, paving, oiling, fencing, cutting of weeds or other appropriate means.

Section 33-406. ODORS. It shall be unlawful to cause or to knowingly permit the emission of objectionable or hazardous odors in such quantities as to be readily detectable to an average observer at any point on the boundary line of any premises or beyond.

Section 33-407. ABANDONED ICE BOXES AND REFRIGERATORS. It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied, abandoned building, dwelling, or other structure under his or its control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an air-tight door or lid, snap-lock or other locking device which may not be released from the inside, without first removing said door or lid, snap-lock or other locking device from said ice box, refrigerator or container.

Section 33-408. FURTHER RESTRICTIONS. Nothing contained herein shall be construed as limiting those requirements of Federal or State laws, rules or regulations or of the Zoning Ordinance and other provisions of the Bolingbrook Municipal Code which regulate more strictly any of the subjects of this Article 4.

Section 33-409. MAINTENANCE OF PONDS. (Changed in its entirety by Ordinance 08-090, 08.26.08)

A. All retention and detention ponds shall be maintained to keep them
in the condition shown in their approved development plan or according to a revised design as approved by the Village Engineer. The owner of each pond shall inspect his pond at an interval not to exceed six months in order to assure that all elements of the pond are in good condition. The elements to be inspected include, but are not limited to the following:

1. Inlet(s)
2. Outlet(s)
3. Overflow weir
4. Shoreline protection
5. Vegetative cover
6. Berms or banks

Any deficient element found shall be restored to its original condition. Any deficiency that poses a threat to public safety shall be immediately remediated. Any other deficiency shall be restored to its original condition as soon as weather permits.

B. A person who violates the provisions of Subsection A of this Section shall be guilty of an offense punishable by a fine of two hundred fifty dollars ($250.00) for the first violation, five hundred dollars ($500.00) for the second violation and one thousand dollars ($1,000.00) for each subsequent violation occurring during any calendar year, and a separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues.

Section 33-410. ABATEMENT OF NUISANCES. If the person in control of any nuisance fails to abate the same within 10 days after notification by a Village official, said Village official is hereby authorized to cause the abatement of such nuisance in any reasonable manner, and is further authorized to add the cost of said abatement to any fine due under a violation of this article. In the event said nuisance causes an immediate threat to public safety, the Village Administrator or his designee may reduce or waive the ten day notification period and cause the abatement of said nuisance if the person in control of the nuisance does not take immediate action to remedy the threat to the public safety. (Ordinance No. 96-150, 12.10.96)

Section 33-411. PENALTY. Unless otherwise provided within this Article 4, any person, firm, or corporation violating any of the provisions of this Article 4 shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for each offense, and a separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. (Ordinance 08-090, 08.26.08)
ARTICLE 5 -- ABANDONED SHOPPING CARTS

Section 33-501. DEFINITIONS. When used in this Article the following words shall have the meanings herein respectively ascribed to them:

(A) Shopping cart. Any device designed or intended for use, or used, by customers and patrons of business establishments for collecting, transporting or carrying articles purchased or acquired at such establishments.

(B) Shopping Cart Owner. An individual, partnership or corporation which owns a shopping cart or offers a shopping cart for use to the customers of a business establishment owned or operated by such individual, partnership or corporation.

(C) Premises. The building and contiguous lot area associated with the business establishment of a shopping cart owner.

Section 33-502. REMOVAL OF SHOPPING CARTS PROHIBITED. It shall be unlawful for any person, firm or corporation to remove, use, maneuver or place a shopping cart beyond the boundaries of the premises of the shopping cart owner.

Section 33-503. PENALTY FOR REMOVAL. Any person, firm or corporation violating Section 33-502 of this Article shall be fined not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) for each such offense. (Ordinance No. 81-4, 2.10.81)

Section 33-504. VILLAGE REMOVAL OF CARTS FOUND OFF THE PREMISES. Shopping carts found off the premises of the shopping cart owner will be removed by the Village or its agents. The cost of such removal and the cost of handling and storing any cart so removed shall be paid by the shopping cart owner; and no cart so removed shall be returned to such owner until such costs have been paid in full.

Section 33-505. NOTICE OF REMOVAL AND SALE. Within forty-eight hours after removing a shopping cart pursuant to Section 33-504 of this Article, the Village or its agent shall personally serve the shopping cart owner or any agent found in charge of the owner's premises with written notice of such removal and of the Village's intent to sell such cart in accordance with the provisions of this Article unless the owner shall have, within seven days of the service of such notice, claimed such cart and paid the costs of its removal and storage as provided in Section 33-504 of this Article.
Section 33-506. DISPOSITION OF UNCLAIMED SHOPPING CARTS. A shopping cart removed pursuant to Section 33-504 which has not been claimed by its owner within seven days as provided in Section 33-506 shall be deemed to be abandoned and shall be sold to the highest bidder following public bidding.

Section 33-507. SOLICITATION OF BIDS. All sales of shopping carts pursuant to this Article shall be to the highest responsible bidder based on competitive bidding. Bids shall be solicited by written invitation or by public notice in a newspaper of general circulation in the Village no less than 15 days prior to the date set for bid opening. Said notice shall contain all information necessary for prospective bidders to submit responsible bids, including the number and condition of carts to be sold, whether the sale shall be of individual carts or by lots or both and the terms on which payment shall be due.

Section 33-508. CERTIFICATE OF SALE AND VILLAGE LIABILITY FOR INVALID SALE. Upon payment of the bid price, the Chief of Police shall execute and deliver to the successful bidder a certificate of sale. A copy of such Certificate shall be filed in the Office of the Village Clerk. Should the sale be invalid for any reason, the liability of the Village should be limited to the return of the bid price upon return to it of the shopping cart. (Ordinance No. 74-42, 4.2.74)
ARTICLE 6 -- RESIDENTIAL SALES DISCLOSURE CODE

Section 33-601. DEFINITIONS. For the purposes of this Article, the following terms shall have the meaning given herein:

(A) Dwelling Unit. A residential building, or one or more rooms in a residential building which are arranged, designed, used or intended for use by one family.

(B) Residence. Any single family, two-family, or multiple family dwelling unit in the Village of Bolingbrook which has been newly constructed or which is proposed to be constructed, and which has not been previously occupied.

(C) Seller. Any person, firm or corporation which sells, attempts to sell, or offers to sell residences in a subdivision in the Village of Bolingbrook.

(D) Subdivision. A parcel or tract of land to be developed, or under development, in the Village of Bolingbrook, containing, or to contain, five or more residences.

Section 33-602. COMPLIANCE REQUIRED. It shall be unlawful for any seller of residences, as defined in Section 33-601, to sell, attempt to sell, or offer for sale, any residence in the Village of Bolingbrook unless the information specified in Section 33-603 is disseminated and filed in the manner set out in this Article 6.

Section 33-603. REQUIRED INFORMATION. All sellers of residences located in the Village of Bolingbrook shall provide all prospective purchasers of such residences with the following information:

(A) The name of the subdivision.

(B) The name or designation, base price, and estimated equalized assessed value of each model offered for sale by the seller.

(C) The options that may be added to each model and the price thereof.

(D) The most recent real property tax rate (in dollars per $1000 of equalized assessed valuation) applicable to the property involved.

(E) The estimated monthly payment that will be required to retire the principal of a mortgage loan, and pay interest taxes and insurance premiums, at the base price of each model, stating the down payment and interest rate that have been assumed for the purpose of such computation.
(F) The estimated total closing costs.

(G) When applicable, the most recent monthly assessments for maintenance and operating expenses, and capital improvements, of any property owner's or condominium association of which the subdivision is a part.

(H) The name of the utility or governmental agency that provides water and sewer service and the minimum monthly charges for water and sewer service.

(I) The zoning district classification of the subdivision and all property adjacent to the subdivision.

(J) Check if property is within one-half (1/2) mile of airport.

(K) The name of the school district, or districts, in which the subdivision is located, and the name, location, capacity and current enrollment of each K-5 school, middle school, and high school that children from the subdivision will attend.

(L) The location of the closest commuter railroad station and the distance in miles to that station.

(M) The telephone number of:
   
   (1) The Village Hall;
   
   (2) The Chamber of Commerce;
   
   (3) The water and sewer utility;
   
   (4) The business office of the school district.

(N) The effective date of the document containing the above information.

Section 33-604. INFORMATION SHEET REQUIRED.

(A) All sellers of residences in the Village of Bolingbrook shall provide prospective purchasers with an information sheet containing the information set out in Section 33-603. Such information sheet shall be provided to prospective purchasers prior to the time such prospective purchasers agree in writing to purchase a residence.

(B) Such information sheet shall be on 8-1/2" x 14" white paper, shall be typed in black print and capital letters, and shall be in substantially the form set out in Section 33-607.
**Section 33-605. FILING INFORMATION SHEET.**

(A) A copy of the information sheet required by Section 33-604 and of any amended information sheets required by this Article, shall be filed with the Ordinance Enforcement Officer of the Village of Bolingbrook.

(B) Each information sheet so filed shall contain a statement sworn under oath by the seller that the information contained in the information sheet is true and correct and that identical information is contained on the placard and information sheets required by this Article.

**Section 33-606. PLACARD REQUIRED.**

(A) All sellers of residences in the Village of Bolingbrook shall conspicuously post and maintain in all sales offices a placard containing the information required by Section 33-603 in a position and place where it can readily be observed by prospective purchasers.

(B) Such placard shall be at least 18" x 24", shall have a white background with black print, and shall be in substantially the form set out in Section 33607. All letters and numbers shown on the placard shall be the same height.

(C) Such placard shall be posted and maintained by the seller at all times during the time period residences are sold, attempted to be sold, or offered for sale.

(D) Such placard shall contain accurate, current and correct information at all times it is required to be posted and maintained.

**Section 33-607. FORM OF INFORMATION SHEET AND PLACARD.** All information sheets and placards required by this Article 6 shall be in substantially the following form:
### SCHEDULE A

**CHAPTER 33, ARTICLE 6**

**SELLER INFO SHEET SAMPLE**

<table>
<thead>
<tr>
<th>DEVELOPMENT</th>
<th>EFFECTIVE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LATEST TAX RATE*</td>
</tr>
<tr>
<td></td>
<td>/$1000 of Assessed Valuation.</td>
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</table>

<table>
<thead>
<tr>
<th>MODEL</th>
<th>BASE PRICE</th>
<th>ASSESSED VALUE*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
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<td>2.</td>
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<tr>
<td>5.</td>
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</table>

<table>
<thead>
<tr>
<th>OPTIONS</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
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<tr>
<td>2.</td>
<td></td>
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<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
</tr>
</tbody>
</table>

Village Hall Phone: __________________________

Rollingbrook Business Association Phone: __________________________

**ALL OPTIONS AVAILABLE FOR ALL MODELS EXCEPT AS NOTED OPTIONS NOT FOR MODEL**

MUNICIPAL WATER RATE $ __________________________

Municipality Name __________________________

PHONE NUMBER __________________________

Check if property is within one-half (1/2) mile of airport.

Adjacent land to north is zoned ______ for ______ and ______ for ______

Adjacent land to south is zoned ______ for ______ and ______ for ______

Adjacent land to east is zoned ______ for ______ and ______ for ______

Adjacent land to west is zoned ______ for ______ and ______ for ______

SCHOOL DISTRICT - Valley View Public School District 365-0 Phone ______

or ______________________ Public School District Phone ______

Children from this subdivision attend the following:

<table>
<thead>
<tr>
<th>GRADE</th>
<th>NAME</th>
<th>LOCATION</th>
<th>CAPACITY</th>
<th>ENROLLMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>K - 5</td>
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</tr>
<tr>
<td>Middle</td>
<td>at</td>
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<tr>
<td>High</td>
<td>at</td>
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</tr>
</tbody>
</table>

Miles to Burlington Northern Railroad in ______

* Estimates provided by Township Assessor.

** Additional sheet should be used for additional options.
Section 33-608. SEVERABILITY. Each of the provisions of this Article are severable, and if any provision is held invalid the remaining provisions shall not be affected but shall remain in full force and effect.

Section 33-609. PENALTY. Any person, firm or corporation violating any of the provisions of this Article 6 shall upon conviction thereof, be fined not less than One Hundred Dollars ($100) nor more than Five Hundred Dollars ($500) for each offense. Every day upon which such violation shall occur or upon which such violation shall continue shall constitute a separate offense.
ARTICLE 7 -- SWIMMING POOL PERMITS AND REGULATIONS

Section 33-701. DEFINITIONS. For the purpose of this Article, the following terms shall have the meanings herein ascribed to them:

(A) Swimming Pool. A body of water in an artificial or semi-artificial receptacle or other container at least 24 inches deep and at least 22 feet in perimeter, located indoors or outdoors, above or below the surface of the ground, and designed or used for wading, swimming or bathing. The definition includes any child's pool of solid molded plastic of inflated rubber that meets with the above dimensions.

(B) Permanent Swimming Pool. Any swimming pool whose structural parts are designed to remain in place throughout the year.

(C) Temporary Swimming Pool. Any pool whose structural parts or linings are designed to be wholly or in part removed and reassembled each year. Above ground swimming pools, of plastic, metal, or wood construction are considered to be temporary pools for the purpose of this Article.

(D) Private Swimming Pool. Any swimming pool used or intended to be used in connection with a single family residence or dwelling unit by the family occupying such single family residence or dwelling unit and their guests without payment of any fee.

(E) Public Swimming Pool. Any swimming pool available for use by the general public.

(F) Semi-public Swimming Pool. Any swimming pool not open to the general public and available primarily for use by the members of an association, club, organization or residents of a residential development and their guests.

(G) Pool Depth. Pool depth is the distance between the floor of the pool and the maximum operating level when the pool is in use.


Section 33-702. BUILDING PERMIT REQUIRED. It shall be unlawful for any person, firm, association or corporation to construct, install, enlarge or alter any swimming pool within the Village of Bolingbrook without first having obtained a permit in accordance with the provisions of this Article.

33-17
**Section 33-703. BUILDING PERMIT APPLICATION.** Written application for a swimming pool building permit shall be filed with the Building Commissioner. Such application shall be verified under oath and shall contain the following information and statements:

(A) Applicant's name and address.

(B) Address of location of swimming pool which is the subject of the application.

(C) Statement of whether the swimming pool which is the subject of the permit is private, semi-public or public.

(D) Two sets of working drawings of permanent quality which show the following:

1. Plot plan locating all buildings, structures, driveways, property lines, overhead and underground wiring, and other descriptive data on the property or within the area. Pool locations are regulated by Section 5-104 of the Village of Bolingbrook Zoning Ordinance.

2. Proposed location of pool and pool dimensions, various depths and volume in gallons.

3. Location of recirculation system with size and type of filter shown.

4. Pool piping layout with all pipe sizes shown, type of materials to be used and the method of filling and draining the pool.

5. Rated capacity of filtration and backwash flows of the pumps in gallons per minute with the size and type of motor voltage, size, rated capacity of wiring and amount of electrical load to be supplied to the motor or manufacturers specifications.

6. Piping connections to the water mains and sewers.

7. Type and location of walk and fence construction.

**Section 33-704. BUILDING PERMIT FEE.**

(A) The Building Commissioner or his designee shall collect the fees provided for in this Article. For each permit for construction, installation, alteration or enlargement of any swimming pool, the fees shall be $5.00 per $1,000 of valuation.

(B) No permit as required by this section shall be issued until the fee
prescribed therefore shall have been paid. No amendment to a permit shall be approved until the additional fee, if any is due because of an increase in the estimated cost of the building or structure, shall have been paid.

Section 33-705. ISSUANCE OR DENIAL OF BUILDING PERMIT.

(A) Swimming pool permits shall be issued to those applicants whose proposed construction, alteration, enlargement or installation of a swimming pool complies with all applicable Village ordinances.

(B) The issuance of a building permit shall not in any manner affect the necessity of obtaining other permits as may be required by the provisions of the ordinances of the Village relating to excavations, barricades, water service, sewers, plumbing requirements, electrical requirements, and zoning, or to such other specific and relevant ordinances of the Village requiring permits in connection with construction projects. No Building permit shall be issued until all other required permits have been approved.

Section 33-706. INSPECTION OF SWIMMING POOL CONSTRUCTION. The Building Commissioner and his designee shall inspect the installation, construction, alteration or enlargement of any swimming pool for the purpose of determining whether the installation, construction, alteration or enlargement complies in all respects with applicable ordinances of the Village. Such inspections shall be made whenever the Building Commissioner shall deem such inspection necessary, provided however, that such inspections must be made at reasonable times.

Section 33-707. CERTIFICATE OF OCCUPANCY.

(A) No person, firm, association, or corporation shall occupy any swimming pool without having first obtained a certificate of occupancy.

(B) A certificate of occupancy shall be issued hereunder for any swimming pool installed, constructed, altered or enlarged within the Village when such construction, installation, enlargement, or alteration complies in all respects with applicable ordinances of the Village.

(C) No certificate of occupancy shall be issued for permanent swimming pools until the fee for inspecting the construction, installation, or enlargement and alteration shall have been paid. The fees for inspections shall be as follows:

   Inspection of electrical equipment. . . . . . $12.00
   Inspection of plumbing equipment. . . . . . . 7.50
   Inspection of structural construction . . . . . 7.50
Section 33-708. ANNUAL PERMIT TO OPERATE REQUIRED. No person, firm, association or corporation shall operate or maintain a public or semi-public pool until an annual permit shall have been issued by the Building Commissioner.

Section 33-709. ANNUAL PERMIT APPLICATION. Written application for a permit to operate or maintain a public or semi-public swimming pool shall be filed with the Building Commissioner. Such application shall be verified under oath and shall contain the following information:

(A) Applicant's name and address.

(B) Address of the swimming pool which is the subject of the application.

(C) Statement of whether the swimming pool which is the subject of the application is public or semi-public.

(D) Statement of the hours of operation of the swimming pool.

(E) Statement of the number of persons the pool has the capacity to accommodate.

(F) Statements with regard to the arrangements for lifeguard service including:

   (1) The hours during which lifeguard service will be provided.

   (2) The number of lifeguards which will be on duty during the hours of swimming pool operation.

   (3) The level of training and experience required of lifeguards for the swimming pool. All lifeguards must hold a valid American Red Cross or YMCA card.

(G) Statement that the swimming pool which is the subject of the application complies in all respects with applicable Village Ordinances.

Section 33-710. ISSUANCE OR DENIAL OF PERMIT TO OPERATE.

(A) A permit to operate or maintain a public or semi-public swimming pool shall be issued only after the Building Commissioner or his designee shall have inspected the swimming pool and determined that such swimming pool complies in all respects with applicable Village ordinances.

(B) If after the required inspection the public or semi-public swimming
pool is found to comply in all respects with applicable Village ordinances, the Building Commissioner shall issue a permit to operate such swimming pool within five days after the required inspection.

(C) If, after the required inspection, the Building Commissioner finds that the public or semi-public swimming pool does not comply with applicable Village ordinances, he shall deny a permit to operate or maintain a public or semi-public swimming pool to the person, firm, association or corporation applying therefore.

**Section 33-711. DURATION OF PERMITS TO OPERATE; RENEWAL.** A permit to operate or maintain a public or semi-public swimming pool shall expire on April 30 following the year of issuance and shall be renewable on May 1st on an annual basis thereafter upon the inspection of the swimming pool as required by Section 33-710 of this Article and payment of the annual fee, unless previously revoked.

**Section 33-712. PERMIT FEES.** No permit to operate or maintain a public or semi-public swimming pool shall be issued, renewed or continued in operation unless the fee of $25.00 shall have been paid to the Village Clerk.

(A) The Building Commissioner or his designee shall inspect each swimming pool in the Village as often as is necessary for the enforcement of this Article.

(B) The Building Commissioner or his designee, after proper identification, shall be permitted to enter, at any reasonable time, the premises of any swimming pool for the purpose of making inspections to determine whether such pool and its equipment and appurtenances comply with the applicable Village ordinances.

(C) Whenever the Building Commissioner or his designee makes an inspection of a swimming pool and discovers violations of applicable Village ordinances, he shall notify the owner of the swimming pool or the holder of a permit to operate a public or semi-public swimming pool of such violations by written notice which shall:

(1) Set forth the specific violations found.

(2) Establish a specific and reasonable period of time for the correction of the violations found.

(3) State the failure to comply with any notice issued in accordance with the provisions of this Article may result in immediate suspension of a permit to operate a public or semi-public swimming pool.

(4) State that an opportunity for an appeal from any notice or
inspection findings will be provided if a written request for a hearing is filed with the Building Commissioner within the period of time established in the notice for correction.

(D) Notices provided for under this Article shall be deemed to have been properly served when the notice has been delivered personally to the owner of the swimming pool, the holder of a permit to operate a public or semi-public swimming pool, or such notice has been sent by registered or certified mail, return receipt requested to the last known address of the owner of the swimming pool or the holder of a permit to operate a public or semi-public pool. A copy of such notice shall be filed with the records of the Building Commissioner.

**Section 33-713. SUSPENSION OR REVOCATION OF PERMIT.**

(A) Any permit to operate a public or semi-public swimming pool may be suspended temporarily by the Building Commissioner or his designee for failure of the permit holder to comply with, or for violation of, applicable ordinances of the Village relating to swimming pools; provided, however, that no permit shall be suspended hereunder until notice has been given to the permit holder as provided in Section 33-713, subsections (C) and (D) of this Article and until a reasonable time has elapsed to enable the permit holder to comply.

(B) Notwithstanding anything contained in this Article to the contrary, whenever the Building Commissioner or his designee finds unsanitary or other conditions in the operation of public or semi-public pools which, in his judgment, constitute a substantial hazard to the public health, he may, without warning, notice or hearing, issue a written order to the permit holder or operator of the such public or semi-public swimming pool citing such condition, specifying the corrective action to be taken and specifying the time period within which such action shall be taken and if deemed necessary, such order shall state that the permit is immediately suspended and that all swimming pool operations are to be discontinued immediately. Any person, firm, association or corporation to whom such an order is issued shall comply immediately therewith, but upon written petition to the Building Commissioner, shall be afforded a hearing within three days, excluding weekends and holidays.

**Section 33-714. REINSTATEMENT OF SUSPENDED PERMIT.** Any person, firm, association or corporation whose permit to operate a public or semi-public swimming pool has been suspended may, at any time, make application for reinspection for the purpose of reinstatement of the permit. Within five days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the Building Commissioner shall make a reinspection. If the applicant is complying with all applicable Village ordinances, the permit shall be reinstated.
Section 33-715. HEARING. The hearings provided for hereunder shall be conducted by the Board of Building Code Appeals at a time and place designated by them. Based upon the record of such hearing, the Board of Building Code Appeals finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the Building Commissioner.

Section 33-716. LIABILITY INSURANCE REQUIRED. A permit to operate a public or semi-public swimming pool shall not be issued, renewed or continued in operation unless there is in full force and effect for such swimming pool a liability insurance policy in the amount of $300,000.00 for death to any person; $300,000.00 for bodily injury to any person; $100,000.00 for property damage and loss. Said insurance shall insure to the benefit of any person who shall sustain personal injury or damage to or loss or property proximately caused by the negligence of the permittee, its agents or servants. Said liability insurance policy shall be issued by an insurance company authorized to do business in the State of Illinois. The permittee shall file a Certificate of Insurance with the Village Clerk.

Section 33-717. DISPLAY OF PERMIT TO OPERATE PUBLIC OR SEMI-PUBLIC SWIMMING POOL. Any permit to operate or maintain a public or semi-public swimming pool issued pursuant to this Article shall be conspicuously posted on the premises of the public or semi-public swimming pool.

Section 33-718. DESIGN AND SAFETY REQUIREMENTS. In addition to the requirements of Chapter 25 of the Village of Bolingbrook Municipal Code, permanent swimming pools and temporary pools, where applicable, within the Village shall be constructed, installed, altered, enlarged and maintained in conformity with the following requirements:

(A) Water Supply.

(1) Type of Water and Water Quality.

(a) A swimming pool water supply shall be obtained from an authorized water system serving the Village of Bolingbrook. Permanent swimming pools must be equipped with a rigid over the rim fill spout and receive their water supply through permanently installed rigid pipes.

(b) Germicidal or bacteria control providing protection of not less than .05 parts per million chlorine residual shall be provided for any swimming pool. Any method for
germicidal or bacterial control approved by the Illinois Department of Public Health or the Will County Health Department which provides the aforesaid level of protection may be utilized; provided, however, that private swimming pools shall not use gaseous chlorination systems. Public and semi-public swimming pools shall have adequate testing kits on the premises of such swimming pools to determine the chlorine residual.

(2) **Circulation of Water.** Permanent swimming pools shall be equipped with a water recirculation inlet not less than 10 inches below the pool overflow level.

**(B) Drainage and Drainage Equipment.**

(1) Waste water from permanent swimming pools shall be discharged through a pump into the sanitary sewer system. Deck drains shall be connected to the sanitary sewer system. Swimming pool drainage pipes shall be equipped with positive check or back water valves to prevent the backup of sewer wastes into the swimming pool or swimming pool area.

(2) Swimming pools shall be drained into the storm water system. The owner or holder of a permit to operate a public or semi-public swimming pool shall notify the Building Commissioner before draining a public or semi-public swimming pool.

(3) The main drain shall be located at the deepest point of a permanent swimming pool. Permanent swimming pools over thirty (30) feet wide shall be equipped with two main drains.

(4) Permanent swimming pools shall be equipped with scum gutters; provided, however, swimming pools of less than 1,500 square feet of pool surface area may be equipped with skimming devices. Skimming devices which are permitted under this Section shall be automatically adjustable to variations of water level of not less than four inches and shall be installed or constructed to prevent airlock in the suction lines. Suction piping which is a part of the skimmer shall be installed in a manner which will prevent it from trapping air.

(5) The fittings and gratings for drainage pipes shall be corrosion resistant. Gratings shall be securely fastened to drainage pipe fittings. The width of openings in such gratings shall not exceed 3/8 inches. The net open area of such gratings shall be at least four times the area of the opening of the drainage pipe.

(6) Drainage pipe serving gravity scum gutter drains or deck drains shall be installed with a minimum pitch of 1/4 inch per
foot.

(7) If a permanent swimming pool is equipped with an equalizer line, such line shall be at least one and one-half inches (1-1/2) in diameter, shall be located at least one foot below the lowest overflow level of the skimmer and shall be of sufficient capacity to prime the swimming pool pump when necessary.

(C) Lighting. Lighting sufficient to enable swimmers to see and be seen shall be provided on the premises of all swimming pools. Lights used to illuminate any swimming pool shall be so arranged and shaded as to reflect light away from the premises of nearby properties and any street.

(D) Buoys. All swimming pools shall be equipped with at least one ring buoy of at least 18 inches in diameter and fitted with manila line, or its equivalent, of not less than 1/4 inch in diameter and equal in length to the diagonal distance of the pool.

(E) Diving Boards. Diving boards or platforms shall be located no higher than three feet above the water level and extended no more than 4 feet over the surface of the swimming pool, except diving boards or platforms may be located no higher than 10 feet above the surface of the swimming pool if the depth of the water in the swimming pool diving area is at least 12 feet. The depth of the water shall be at least 7 feet at all points within 8 feet of a diving board or platform.

(F) Pool Coverings. All private outdoor swimming pools shall be covered with a protective covering capable of withstanding 5 pounds per square foot of pressure at all times it is not being used for swimming or ice skating purposes from October 1 to May 1.

(G) Egress. All swimming pools shall have at least one point of egress by steps, ladders, step holes or hand holds. The coping of a swimming pool, if not higher than 8 inches above the surface of the water and made of nonslip material shall be considered a hand hold. Treads of steps, ladders, or step holes shall be constructed on nonslip material and shall be at least 3 inches wide for their entire length.

(H) Location of Electrical Lines. Swimming pools shall not be constructed, installed, altered or enlarged in such a manner so that overhead or underground current carrying electrical conductors are over, under or within 10 feet of any point of such swimming pool; provided, however, that above ground swimming pools may be installed above such underground wiring.

(I) Lifeguards. All public or semi-public swimming pools shall have at least one lifeguard qualified in life saving techniques on duty at all times during the hours the swimming pool is in operation. One
lifeguard shall be provided and shall be on duty for every seventy-five persons the swimming pool has the capacity to accommodate.

(J) **Slope of Pool and Pool Depth Marking.** In any area of a swimming pool which is less than five feet in depth, the slope of the bottom of the swimming pool shall not exceed one foot for every six feet in length. The side of any public or semi-public swimming pool shall be marked with the depth of the pool at each point the swimming pool increases one foot in depth.

(K) **Life Lines.** Swimming pools of more than 30 feet in width shall be equipped with a life line extending the width of the pool which is securely fastened to the sides or the coping of the swimming pool. Such life lines shall be equipped with floats not more than 5 feet apart.

(L) All swimming pools shall be equipped with a ground fault interruptor connected to the electrical supply leading to the pool.

(M) **Fences.** Every person, firm, association, corporation, owning land on which a swimming pool is situated shall provide an enclosure, meeting the standards of Chapter 31 of the Municipal Code of the Village of Bolingbrook, either surrounding the property or surrounding the pool area. Such enclosure shall be sufficient to make such body of water inaccessible to small children. For the purposes of this section, compact hedges or vegetation shall not be deemed a fence. In no case shall any fence be closer than six (6) feet to the pool.

(1) **Height.** The height of the required enclosure, including gates, must not be less than 42 inches above the underlying ground.

(2) **Gates.** All gates must be self-latching with latches placed five (5) feet above the underlying ground or otherwise made inaccessible to small children outside the enclosure.

(3) **Alternative Enclosure.** A self-contained fence attached to an above ground pool shall qualify as a required enclosure if:

(a) The self-contained fence is two and one-half (2-1/2) feet or more in height.

(b) The overall height of the fence measured from the ground level is six (6) feet or more.

(c) The fence meets the standards of Chapter 31, Article 7 of the Municipal Code of the Village of Bolingbrook.

(d) The swimming pool is provided with a ladder which will fold upward and lock or be removed when not in use.
(e) For the purposes of this Article the walls of an above ground swimming pool shall not be deemed as a fence.

Section 33-719. VACANT OR ABANDONED SWIMMING POOLS. It shall be unlawful for any person, firm, corporation or association to permit water to remain in any swimming pool for any period in excess of seven days unless a person, firm, corporation or association is occupying the premises on which the swimming pool is located.

Section 33-720. RETROACTIVE APPLICATION OF DESIGN AND SAFETY REQUIREMENTS.

(A) The provisions of paragraphs C, D, F, G, H, I, K, L, and M, of Section 33-718 shall apply to swimming pools existing in the Village of Bolingbrook as of the effective date of this ordinance.

(B) No existing swimming pool in the Village shall be used or maintained which does not comply with the requirements of paragraphs C, D, F, G, H, I, and K, of Section 33-718.

(C) The Building Commissioner shall, by written order, establish a reasonable time for compliance with this section for persons owning land on which an existing swimming pool is located.

Section 33-721. SEVERABILITY. Each of the provisions of this Article are severable and if any provision is held invalid the remaining provisions shall not be affected but shall remain in full force and effect.

Section 33-722. PENALTY. The penalty for violation of any provision of this Article, unless otherwise provided, shall be not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each offense, and a separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. (Ordinance No. 00-076, 04.25.00)
ARTICLE 8 -- PARADES/OPEN-AIR MEETINGS/BLOCK PARTIES

Section 33-801. APPLICATION REQUIRED.

(A) No parade or block party shall be allowed on any public way, nor shall any open-air public meeting be held in or upon any public way or upon any ground abutting upon any public way until a permit in writing therefore shall first be obtained from the Village Manager (Administrator).

(B) Application to conduct such a parade, procession, block party or open-air meeting shall be made in writing to the Village Administrator, at least 30 days prior to the event, by the person or persons in charge or control thereof, or responsible therefore, and such application shall set forth the desired route along which such parade or procession is to proceed, the desired time of starting, the duration, and the name of the person or society in control thereof, or responsible therefore and the general purpose of such parade or procession, and in case of an open-air meeting or block party, such application shall specify the place at which it is desired to hold such meeting or block party, the general purpose therefore and the name of the person or society in control thereof, or responsible therefore, the time at which such meeting or block party is to be held and the probable duration thereof. Upon such application being made, the Village Administrator, when necessary, shall investigate or cause to be investigated the person or society making such application and the truth of the statements made in such application regarding the purpose or object of such parade, procession, open-air meeting or block party.

(C) When application is made for a block party permit, signatures of consent from a majority of the residents effected by the block party, must accompany the application.

Section 33-802. APPROVAL, DISAPPROVAL OR MODIFICATION.

(A) The Village Administrator shall consider all applications for permits for parades or processions to be held on any public way and applications for permits for open-air meetings or block parties to be held in or upon any public way or upon any grounds abutting upon any public way after he has conferred with the Chief of Police, Fire Chief (Civil Defense), and the Director of Public Works, and shall suggest and recommend the approval, disapproval or modification of said applications.

(B) If the Village Administrator shall determine that such parade, procession, open-air meeting or block party is not to be held for any unlawful purpose, and will not in any manner tend to be a breach of peace, and he determines that such action will not unnecessarily
interfere with the public use of the public ways of the Village or the peace and quiet of its inhabitants, he shall issue such permit to the person or society making application therefore.

(C) If there is a reasonable likelihood that a public assembly will substantially harm the public health or safety or substantially impair normal use of a public place, the Village Administrator shall grant the permit upon conditions reasonably necessary to avoid substantial harm to the public health or safety and to minimize the effect of or avoid substantial impairment of normal use of a public place.

(D) In determining whether to grant a permit only upon compliance with conditions, the Village Manager (Administrator) shall consider whether:

1. A permit has been granted to others to hold a public assembly at the same time in the same or nearby public place;
2. Public sanitation facilities are adequate;
3. Noise, litter, or pollution of water or air will be generated by the public assembly;
4. Traffic generated by the public assembly will affect normal traffic movement;
5. The time and place are suitable in view of the number of persons expected to attend;
6. Food, water, and emergency medical services are accessible to the persons attending;
7. There is substantial potential that the public assembly will precipitate criminal activity that will increase the task of controlling the crowd and managing the public assembly;
8. There is sufficient time to permit law enforcement and health officers and other public authorities to make the necessary arrangements to avoid substantial harm to the public health and safety;
9. The public assembly will substantially impair the provision of fire and police protection and medical and other essential public services;
10. The public assembly will unreasonably interfere with the quiet enjoyment of a residential community;
11. There is an alternate public place that will reasonably serve the objectives of the public assembly if there will likely be substantial harm to the public health or safety or substantial
impairment of normal use of the proposed public place;

(12) There is substantial potential for material injury to property at or near the public place;

(13) There is a special relationship between the subject of the public assembly and the public place that makes it reasonable to impose extraordinary burdens on the public place affected and the individuals residing or present in nearby areas; and

(14) The imposition of conditions on the permit will materially interfere with the reasonable and lawful objectives of the public assembly.

(E) In granting a permit, the permit officer may impose reasonable conditions as to the time, place, and manner of holding the public assembly so as to avoid substantial harm to the public health or safety and to minimize the effect of or avoid substantial impairment of the normal use of a public place. These conditions may include designating a different time or place; restricting the duration of the public assembly; requiring installation of temporary sanitation facilities; requiring the applicant to establish crowd control procedures; requiring trained parade marshals; and requiring the applicant to designate representatives to maintain liaison with law enforcement officers during the public assembly to facilitate dealing with emergencies that may arise.

(F) The use of any public way by a park district for a parade or similar activity conducted pursuant to this Article shall be deemed to be the use of public property for recreational purposes. (Ordinance 08-049, 05.13.08)

Section 33-803. DUTIES OF PERMITTEE.

(A) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The person heading or leading such activity shall carry the parade permit upon his person during the conduct of the event.

Section 33-804. BOND.

(A) If in the opinion of the Village Administrator, a public liability bond is necessary for the protection of the lives and property rights of the citizens of Bolingbrook, the Village Administrator may set a reasonable bond as a condition for the issuance of a parade permit. The Village Administrator shall immediately notify the applicant of the bond requirements and set forth his reasons for the determination of the need for the bond and the amount required.
Section 33-805. REVOCATION OF PERMIT.

(A) The Village Manager (Administrator) shall have the authority to revoke a parade permit issued hereunder upon non-compliance with the standards for issuance as herein set forth.

Section 33-806. PENALTY.

(A) Any person, firm or society who shall violate any of the provisions of this Article 8 shall upon conviction be subject to a fine of not less than $10.00 nor more than $500.00 for each violation.
ARTICLE 9 -- PROTECTION OF EXISTING TREES

Section 33-901. PROTECTED TREES. No person shall, without first obtaining a permit, remove or relocate to another site, any tree located anywhere in the Village limits on private or public property having a trunk diameter of six (6) inches or larger or a circumference of nineteen (19) inches or larger (as measured two (2) feet above the natural grade).

NOTE: Tree Removal Permits Temporarily Suspended for Residential Properties until 03.01.16 (due to Emerald Ash Borer problem) (Ord. 14-072, 08.26.14)

Section 33-902. PERMIT PROCEDURE. In an effort to prevent the removal of a tree whenever possible and to promote the best forestry practices, prior to instituting the permit process each tree shall be evaluated by the Village Forester to determine whether pruning and/or chemical treatments would serve as an alternative to removal. Only after such evaluation shall a removal permit be considered in the following manner: (Added by Ordinance 06-035, 03.28.06)

(A) When a permit is required, no person shall commence tree removal or materially damage any live tree of the prescribed diameter pursuant to Section 33-901 or attach any appurtenance to a tree, without first having obtained a tree removal permit from the Village of Bolingbrook.

(B) Application form. Application permits for removal or relocation of individual trees or groups of trees covered herein shall be obtained by making application for permit to the Director of Public Works. The application shall include (1) a written statement indicating the reason(s) for removal of the tree; (2) a general description of the trees to be removed including height, species and tree diameter; (3) a drawing at a scale of no smaller than 1:50 showing the location of the trees that the applicant proposes to cut down, remove or relocate.

(C) Village review of permit. Prior to the issuance of a permit for tree removal, the Public Works Director, or his agent, shall conduct an on-site inspection to determine whether or not such removal conforms to the requirements of this ordinance. The Public Works Director shall approve the permit if at least one of the following conditions is present:

(1) Necessity to remove trees which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption of public service.

(2) Necessity to remove trees which pose a safety hazard to buildings.
(3) Necessity to remove diseased trees in accordance with Section 33-201 or trees weakened by age, storm, fire or other injury.

(4) Necessity to observe good forestry practices; i.e., the number of healthy trees that a given parcel of land will support.

(5) Necessity to remove trees in order to construct proposed improvements as a result of: need for access around the proposed structure for construction equipment; essential grade changes; surface water drainage and utility installations; location of the proposed structures so as to avoid unreasonable erosion landscaping.

(6) Necessity for compliance with other Village of Bolingbrook codes such as building, zoning development regulations and any other applicable ordinances.

For each tree removed, applicant shall be required to plant a replacement tree of at least 3 inches in diameter, measured 6 inches above the ground, within the yard from which such tree was removed.
(Ordinance 06-035, 03.28.06)

The Director of Public Works may also, at his discretion, approve the permit based on the submission of proposed plans for landscaping whereby the applicant has planted or will plant comparable trees (species) to replace those that are proposed to be removed. No stumps or roots should be left above the natural grade and the area shall be restored and sod planted over the work area.

**Section 33-903. PERMIT DURATION.** The Director of Public Works shall have seven (7) working days after receipt of an application filed pursuant to this chapter in which to approve or deny the requested permit. In the event that the Public Works Director denies an application, the Director shall specify to the applicant in writing the reason for his action.

**Section 33-904. TIME LIMIT.** All tree cutting authorizations shall be completed within ninety (90) days from the issuance of the tree cutting permit.

**Section 33-905. PERMIT CARD.** A permit card issued to the permittee by the Village of Bolingbrook stating any conditions of approval, shall be displayed by the permittee in a conspicuous place at the cutting site.

**Section 33-906. PENALTY.** (Ordinance 04-142, 11.23.04)

(A) The penalty for violation of any provision of this Article shall be One Thousand Dollars ($1,000.00) for each separate offense if said violation occurs on private property.
(B) The penalty for violation of any provision of this Article shall be One Thousand Five Hundred Dollars ($1,500.00) for each separate offense if said violation occurs on any Village right-of-way or parkway.

(C) Each tree removed in violation of any provision of this Article shall be considered a separate offense.
ARTICLE 10 -- FLOOD PLAIN REGULATIONS

(A) The Will County Stormwater Management Ordinance ("WCSMO"), as adopted by Will County on January 1, 2004 and most recently amended by Will County on November 15, 2018 and as hereafter amended or modified, is hereby adopted and shall apply in all areas of the Village. To the extent of any conflict between the regulations or provisions of this Article 10 and the WCSMO, the more stringent regulation or provision shall apply. The Village shall further be bound by the rules and procedures of the Will County Stormwater Management Planning Committee by which certification is granted or revoked, and county jurisdiction is reasserted over the enforcement of WCSMO within the boundaries of the Village.

(B) Adoption of Flood Insurance Study and Flood Insurance Rate Maps: While the WCSMO and the corresponding DuPage County Countywide Stormwater and Floodplain Ordinance includes a list of streams, maps, and stream profiles, the following Flood Insurance Rate Maps (FIRM’s) maps apply specifically to the Village of Bolingbrook:

a. 17043C0808H (DuPage County dated August 1, 2019)
b. 17043C0809H (DuPage County dated August 1, 2019)
c. 17043C0907H (DuPage County dated August 1, 2019)
d. 17043C1001H (DuPage County dated August 1, 2019)
e. 17197C0033G (Will County dated February 15, 2019)
f. 17197C0034G (Will County dated February 15, 2019)
g. 17197C0045G (Will County dated February 15, 2019)
h. 17197C0051G (Will County dated February 15, 2019)
i. 17197C0052G (Will County dated February 15, 2019)
j. 17197C0053G (Will County dated February 15, 2019)
k. 17197C0054G (Will County dated February 15, 2019)
l. 17197C0056G (Will County dated February 15, 2019)
m. 17197C0057G (Will County dated February 15, 2019)
n. 17197C0058G (Will County dated February 15, 2019)
o. 17197C0059G (Will County dated February 15, 2019)
p. 17197C0141G (Will County dated February 15, 2019)
q. 17197C0062G (Will County dated February 15, 2019)
r. 17197C0065G (Will County dated February 15, 2019)
s. 17197C0070G (Will County dated February 15, 2019)

(C) The following Flood Insurance Studies, which correspond to Chapter 33, Article 10(B) FIRM’s, apply specifically to the Village of Bolingbrook:

b. Will County, Illinois dated February 15, 2019 including the following creeks and rivers; DuPage River, East Branch DuPage River, Lily Cache Creek, Lily Cache Lane Tributary, and West Branch DuPage River.

(D) Amendments to the WCSMO:

a. Section 55.005 shall be amended to modify the definition of ADMINISTRATOR to: The person designated by the permitting authority to administer and enforce this chapter. For the Village of Bolingbrook, this person shall be the Village Engineer.

b. Section 55.062(C)(1) of the WCSMO is hereby amended by deleting it and replacing it with the following: The lowest floor including basements of all new residential structures, substantially improved structures and additions shall be elevated to at least the FPE. An attached garage for a structure must be elevated to at least 1.0 feet above the BFE.

c. The first sentence of Section 55.063(A) is hereby amended by deleting it and replacing it with the following: Hydraulically equivalent compensatory storage volume will be required for development in a riverine regulatory floodplain and shall be at least equal to 1.5 times the regulatory floodplain flood storage volume displaced.
ARTICLE 11 -- PARKING LOTS

Section 33-1101. Lighting: All non-residential lighting other than lighting necessary for site security shall be turned off no later than 60 minutes after the close of business hours. (Ordinance 06-023, 02.28.06)

Section 33-1102. Penalty. Any person, firm or society who shall violate any of the provisions of this Article 11 shall upon conviction, be subject to a fine or not less than $50.00 nor more than $500.00 for each violation. (Ordinance No. 91-011, 02.26.91)
Section 33-1201. Construction Noise; Prohibited Hours of Operation.
Owners of property, developers, construction contractors, or other similar persons shall not operate, nor permit to be operated, upon premises under their control, any construction equipment or tools between the following hours:

(a) Mondays through Saturdays, from 7:00 p.m. until 7:00 a.m.

(b) Sundays and holidays that are observed by the Village, from 7:00 p.m. until 8:00 a.m.

The above time limitations shall not apply to interior construction work that creates no noise audibly at the property line. The above time limitations shall not apply to construction work that is of an emergency nature, provided that the Director of Community Development shall be notified as soon as possible of the nature of the emergency and the cause thereof.

Section 33-1202. Modification of Hours of Operation. A request to modify or deviate from the above requirements shall be filed with the Director of Community Development in writing. A request to modify or deviate from the above requirements shall be allowed for good cause only and must be approved in writing by the Director of Community Development before any modifications or deviations can occur.

Section 33-1203. Penalty. Any person having beneficial or ownership interest in property upon which construction is occurring and any developer, contractor or other person engaged in construction work who violates the provisions of Section 33-1201 shall be fined not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00) per violation, and each day upon which a violation occurs shall be considered a separate offense.
ARTICLE 13 -- SOIL EROSION AND SEDIMENT CONTROL
(Ordinance No. 93-012, 02.10.93)

Section 33-1301. FINDINGS AND PURPOSE. The Board of Trustees of the Village hereby finds that:

(A) Excessive quantities of soil may erode from areas undergoing development for certain non-agricultural uses including but not limited to the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, the modification of stream channels and drainageways, and the creation of recreational facilities;

(B) The washing, blowing, and falling of eroded soil across and upon roadways endangers the health and safety of users thereof, by decreasing vision and reducing traction of road vehicles;

(C) Soil erosion necessitates the costly repairing of gulleys, washed-out fills, and embankments;

(D) Sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, wetlands, and reservoirs;

(E) Sediment limits the use of water and waterways for most beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life, and is costly and difficult to remove; and

(F) Sediment reduces the channel capacity of waterways and the storage capacity of floodplains and natural depressions, resulting in increased chances of flooding at risk to public health and safety.

(G) Purpose: The Board of Trustees therefore declares that the purpose of this Article is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated in the Village. It is the intention of this Article that the delivery of sediment from sites affected by land disturbing activities be limited, as closely as practicable, to that which would have occurred if the land had been left in its natural undisturbed state.

Section 33-1302. DEFINITIONS. For the purposes of this Article, certain terms used herein are defined as set forth below:

(A) Building permit. A permit issued by the Village for the construction, erection or alteration of a structure or building.
(B) **Certify or certification.** Formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this Article.

(C) **Clearing.** Any activity which removes vegetative ground cover.

(D) **Cubic yards.** The amount of material in excavation and/or fill measured by the method of "average and areas".

(E) **Excavation.** Any act by which organic matter, earth, sand, gravel, rock or any other similar material, is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

(F) **Existing grade.** The vertical location of the existing ground surface prior to excavation or filling.

(G) **Fill.** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

(H) **Final grade.** The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

(I) **Grading.** Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

(J) **Natural drainage.** Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

(K) **Parcel.** All contiguous land in one ownership.

(L) **Permittee.** Any person to whom a site development permit is issued.

(M) **Person.** Any individual, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

(N) **Removal.** Cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

(O) **Site.** A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

(P) **Site development.** Altering terrain and/or vegetation and constructing improvements.

(Q) **Site development permit.** A permit issued by the Village for the
construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

(R) **Stream.** Any river, creek, brook, branch, flowage, ravine, or natural or manmade drainageway which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

(S) **Stripping.** Any activity which removes the vegetative surface cover including tree removal, clearing, and storage or removal of top soil.

(T) **Vacant.** Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

(U) **Village.** The Village of Bolingbrook, Will County, Illinois.

(V) **Wetlands.** Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**Section 33-1303. GENERAL PRINCIPLES.** It is the objective of this Article to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land, in the Village. Measures taken to control soil erosion and offsite sediment runoff shall be adequate to assure that sediment is not transported from the site by a storm event of ten (10) year frequency or less. The following principles shall apply to all development activities within the Village and to the preparation of the submissions required under Section 33-1304 of this Article:

(A) Development shall be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours should be followed as closely as possible.

(B) Natural vegetation shall be retained and protected wherever possible. Areas immediately adjacent to natural watercourses, lakes, ponds, and wetlands shall be left undisturbed wherever possible. Temporary crossings or watercourses, when permitted, must include appropriate stabilization measures.

(C) Special precautions shall be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, lake, pond, or wetland. Preventative measures shall reflect the sensitivity of these areas to erosion and sedimentation.

(D) The smallest practical area of land shall be exposed for the shortest practical time during development.
(E) Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or runoff control measures shall be installed prior to site clearing and grading and maintained to remove sediment from run-off waters from land undergoing development.

(F) The selection of erosion and sedimentation control measures shall be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs, and benefits involved.

(G) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance shall be considered.

(H) Provision shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Drainageways shall be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion onsite or downstream.

(I) Permanent vegetation and structures shall be installed and functional as soon as practical during development.

(J) Those areas being converted from agricultural purposes to other land uses shall be vegetated with an appropriate protective cover prior to development.

(K) All waste generated as a result of site development activity shall be properly disposed of and should be prevented from being carried off the site by either wind or water.

(L) All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.

Section 33-1304. SITE DEVELOPMENT PERMIT.

(A) Permit Required: Except as otherwise provided in this Article, no person shall commence or perform any clearing, grading, stripping, excavating, or filling of land which meets the following provisions without having first obtained a site development permit from the Department of Public Works and Engineering of the Village.

(1) Any land disturbing activity (i.e. clearing, grading, stripping, excavation, fill, or any combination thereof) that will affect an area in excess of five thousand (5000) square feet;

(2) Any land disturbing activity that will affect an area in excess of five hundred (500) square feet if the activity is within twenty-five (25) feet of a lake, pond, stream, or
wetland; or

(3) Excavation, fill, or any combination thereof that will exceed one hundred (100) cubic yards.

(B) Exceptions: A permit shall not be required for any of the following provided that the person responsible for any such development shall implement necessary soil erosion and sediment control measures to satisfy the principles set forth in Section 33-1303 of this Article:

(1) Excavation below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of two (2) acres for which a building permit has been issued by the Village;

(2) Agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures;

(3) Installation, renovation, or replacement of a septic system to serve an existing dwelling or structure.

(C) Application for Permit: Application for a site development permit shall be made by the owner of the property or his authorized agent to the Department of Public Works and Engineering on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee of one hundred dollars ($100.00). Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

(D) Submissions: Each application for a site development permit shall be accompanied by the following information:

(1) A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought, and including the boundary line and approximate acreage of the site, existing zoning, and a legend and scale.

(2) A development plan of the site showing:

   (a) Existing topography of the site and adjacent land within approximately one hundred (100) feet of the boundaries, drawn at no greater than two foot (2') contour intervals and clearly portraying the conformation and drainage pattern of the area.
(b) The location of existing buildings, structures, utilities, streams, lakes, floodplains, wetlands and depressions, drainage facilities, vegetative cover, paved areas, and other significant natural or man-made features on the site and adjacent land within one hundred (100) feet of the boundary.

(c) A general description of the predominant soil types on the site, their location, and their limitations for the proposed use.

(d) Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavation, and filling; proposed contours, finished grades, and street profiles; provisions for storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff, with a drainage area map, indications of flow directions, and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized, or left undisturbed.

(3) An erosion and sediment control plan showing all measures necessary to meet the objectives of this Article throughout all phases of construction and permanently after completion of development of the site, including:

(a) Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlet details.

(b) Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures.

(c) Location and description of all runoff control measures, including diversions, waterways, and outlets.

(d) Location and description of methods to prevent tracking of sediment offsite, including construction entrance details, as appropriate.

(e) Description of dust and traffic control measures.

(f) Location of stockpiles and description of stabilization methods.
(g) Description of off-site fill or borrow volumes, locations, and methods of stabilization.

(h) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance.

(i) Identification (name, address, and telephone) of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is completed.

(4) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the Department of Public Works and Engineering of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.

These submissions shall be prepared in accordance with the requirements of this Article and the standards and requirements contained in "Standards and Specifications for Soil Erosion and Sediment Control" (the Yellow Book) published by the Illinois Environmental Protection Agency and the "Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control" (the Green Book) prepared by the Northeastern Illinois Soil Erosion and Sedimentation Control Steering Committee and adopted by the Will County Soil and Water Conservation District, which standards and requirements are hereby incorporated into this Article by reference.

The Department of Public Works and Engineering may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this Article.

(E) Bonds: The applicant is required to file with the Village, a letter of credit, or other improvement security satisfactory to the municipal attorney in an amount deemed sufficient by the Department of Public Works and Engineering to cover all costs of improvements,
landscaping, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by the Village, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

(F) **Review and Approval:** Each application for a site development permit shall be reviewed and acted upon according to the following procedures:

The Department of Public Works and Engineering will review each application for a site development permit to determine its conformance with the provisions of this Article. The Department of Public Works and Engineering may also refer any application to the Will County Soil and Water Conservation District and/or any other local government or public agency within whose jurisdiction the site is located for review and comment. Within thirty (30) days after receiving an application, the Department of Public Works and Engineering shall in writing:

(1) Approve the permit application if it is found to be in conformance with the provisions of this Article, and issue the permit;

(2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Article, and issue the permit subject to these conditions; or

(3) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

(G) No site development permit shall be issued for an intended development site unless:

(1) The development, including but not limited to subdivisions and planned unit development, has been approved by the Village where applicable, or

(2) Such permit is accompanied by or combined with a valid building permit issued by the Village, or

(3) The proposed earth moving is coordinated with any overall development program previously approved by the Village for the area in which the site is situated; and

(4) All relevant federal and state permits (i.e., for floodplains and wetlands) have been received for the portion of the site subject to soil disturbance.

(H) Failure of the Department of Public Works and Engineering to act on an original or revised application within thirty (30) days of
receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the Department of Public Works and Engineering and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Department of Public Works and Engineering.

(I) **Expiration of Permit**: Every site development permit shall expire and become null and void if the work authorized by such permit has not been commenced within one hundred and eighty (180) days, or is not completed by a date which shall be specified in the permit; except that the Department of Public Works and Engineering may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit. The Department of Public Works and Engineering may require modification of the erosion control plan to prevent any increase in erosion or offsite sediment runoff resulting from any extension.

(J) **Appeals**: The applicant, or any person or agency which received notice of the filing of the application, may appeal the decision of the Department of Public Works and Engineering as provided in Section 33-1304(F), to the Board of Trustees. Upon receipt of an appeal, the Board of Trustees shall schedule and hold a public hearing, after giving fifteen (15) days notice thereof. The Board shall render a decision within thirty (30) days after the hearing. Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainageways; nature and type of soil or rock which when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

(K) **Retention of Plans**: Plans, specifications, and reports for all site developments shall be retained in original form or on microfilm by the Department of Public Works and Engineering.

**Section 33-1305. Design and Operation Standards and Requirements.**

(A) **Applicability**: All clearing, grading, stripping, excavating, and filling which is subject to the permit requirements of this Article, shall be subject to the applicable standards and requirements set forth in this Section 33-1305.

(B) **Responsibility**: The permittee shall not be relieved of
responsibility for damage to persons or property otherwise imposed by law, and the Village or its officers or agents will not be made liable for such damage, by (1) the issuance of a permit under this Article, (2) compliance with the provisions of that permit or with conditions attached to it by the Department of Public Works and Engineering, (3) failure of Village officials to observe or recognize hazardous or unsightly conditions, (4) failure of Village officials to recommend denial of or to deny a permit, or (5) exemptions from the permit requirements of this Article.

(C) Site Design Requirements:

(1) On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

(a) For disturbed areas draining less than one (1) acre, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all offsite runoff as specified in referenced handbooks. Vegetated filter strips, with a minimum width of twenty-five (25) feet, may be used as an alternative only where runoff in sheet flow is expected.

(b) For disturbed areas draining more than one (1) but less than five (5) acres, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.

(c) For disturbed areas draining more than five (5) acres, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area.

(d) Sediment basins and sediment trap designs shall provide for both detention storage and sediment storage. The detention storage shall be composed of equal volumes of "wet" detention storage and "dry" detention storage and each shall be sized for the two (2) year, twenty-four (24) hour runoff from the site under maximum runoff conditions during construction. The release rate of the basin shall be that rate required to achieve minimum detention times of at least ten (10) hours. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.

(e) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in one year. For construction periods exceeding one
year, the one-year sediment load and a sediment removal schedule may be substituted.

(2) Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the ten-year frequency storm without erosion. All constructed or modified channels shall be stabilized within forty-eight (48) hours, consistent with the following standards:

(a) For grades up to four (4) percent, seeding in combination with mulch, erosion blanket, or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel.

(b) For grades of four (4) to eight (8) percent, sod or an equivalent control measure shall be applied in the channel.

(c) For grades greater than eight (8) percent, rock, riprap, or an equivalent control measure shall be applied, or the grade shall be effectively reduced using drop structures.

(3) Disturbed areas shall be stabilized with temporary or permanent measures within seven (7) calendar days following the end of active disturbance, or redisturbance, consistent with the following criteria:

(a) Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or non-vegetative measures.

(b) Areas having slopes greater than twelve (12) percent shall be stabilized with sod, mat or blanket in combination with seeding, or equivalent.

(4) Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:

(a) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.

(b) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be restabilized within
forty-eight (48) hours after channel disturbance is completed, interrupted, or stopped.

(c) Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized before flow is diverted.

(5) Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.

(6) Soil storage piles containing more than ten (10) cubic yards of material shall not be located with a downslope drainage length of less than twenty-five (25) feet to a roadway or drainage channel. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.

(7) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent.

(8) Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.

(9) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

(10) All temporary erosion and sediment control measures shall be disposed of within thirty (30) days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

(D) Handbooks Adopted by Reference: The standards and specifications contained in "Standards and Specifications for Soil Erosion and Sediment Control" (the Yellow Book) and the "Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control" (the Green Book) cited in Section 33-1304, are hereby incorporated into this Section 33-1305 and made a part hereof by reference for the purpose of delineating procedures and methods of operation under site development and erosion and sedimentation control plans approved under Section 33-1304. In the event of conflict between
provisions of said manuals and of this Article, this Article shall govern.

(E) **Maintenance of Control Measures:** All soil erosion and sediment control measures necessary to meet the requirements of this Article shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

(F) **Inspections:** The Department of Public Works and Engineering shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the site development or erosion and sedimentation control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Department of Public Works and Engineering shall be maintained at the site during progress of the work. In order to obtain inspections and to ensure compliance with the approved erosion and sediment control plan, the grading or building permit, and this Article, the permittee shall notify the Department of Public Works and Engineering within two (2) working days of the completion of the construction stages specified below:

1. Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading;
2. After stripping and clearing;
3. After rough grading;
4. After final grading;
5. After seeding and landscaping deadlines; and
6. After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permittee shall give notice and request inspection at the completion of each of the above work stages in each phase or area. If an inspection is not made and notification of the results given within five (5) working days after notice is received by the Village from the permittee, the permittee may continue work at his/her own risk, without presuming acceptance by the Village. Notification of the results of the inspection shall be given in writing at the site.

(G) **Special Precautions.**

1. If at any stage of the grading of any development site the Department of Public Works and Engineering determines by
inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the Department of Public Works and Engineering may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.

(2) Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the Department of Public Works and Engineering may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to insure completion of protective measures or devices prior to the advent of seasonal rains.

(H) Amendment of Plans: Major amendments of the site development or erosion and sedimentation control plans shall be submitted to the Department of Public Works and Engineering and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the Department of Public Works and Engineering by written authorization to the permittee.

Section 33-1306. Enforcement.

(A) Exceptions: The Department of Public Works and Engineering may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this Article.

(1) Application for any exception shall be made by a verified petition of the applicant for a site development permit, stating fully the grounds of the petition and the facts relied upon by the applicant. Such petition shall be filed with the site development permit application. In order for the petition to be granted, it shall be necessary that the Board of Trustees find all of the following facts with respect to the land referred to in the petition:

(a) That the land is of such shape or size or is affected by
such physical conditions or is subject to such title limitations of record, that it is impossible or impractical for the applicant to comply with all of the requirements of this Article;

(b) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

(c) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.

(2) Each application for an exception shall be referred to the Department of Public Works and Engineering for review. The Department of Public Works and Engineering shall transmit its recommendations to the Board of Trustees which shall review such recommendations prior to granting or denying the exception.

(3) The Board of Trustees shall hold a public hearing on each application for exception, within thirty (30) days after receiving application, in the manner provided with respect to appeals. After public hearing, the Board of Trustees may approve the site development permit application with the exceptions and conditions it deems necessary or it may disapprove such site development permit application and exception application or it may take such other action as appropriate.

(B) Stop-Work Order; Revocation of Permit: In the event any person holding a site development permit pursuant to this Article violates the terms of the permit, or carries on site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Department of Public Works and Engineering may suspend or revoke the site development permit.

(1) Suspension of a permit shall be by a written stop-work order issued by the Department of Public Works and Engineering and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the Board of Trustees at which the conditions of sub-paragraph 33-1306(B)(2) below can be met.

(2) No site development permit shall be permanently suspended or
revoked until a hearing is held by the Board of Trustees. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

(a) The grounds for complaint or reasons for suspension or revocation, in clear and concise language; and

(b) The time when and place where such hearing will be held.

Such notice shall be served on the permittee at least five (5) days prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing, the Board of Trustees shall determine whether the permit shall be suspended or revoked.

(C) Violations and Penalties: No person shall construct, enlarge, alter, repair, or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of this Article. Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this Article is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than five hundred dollars ($500) for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this Article shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration.

(D) Separability: The provisions and sections of this Article shall be deemed to be separable, and the invalidity of any portion of this Article shall not affect the validity of the remainder.
ARTICLE 14 -- STORMWATER DRAINAGE AND DETENTION

Section 1401. Authority and Purpose

This ordinance is enacted pursuant to the police powers granted to the Village of Bolingbrook by the Illinois Compiled Statutes and Article VII of the Illinois Constitution of 1970.

The purpose of this Article is to diminish threats to public health, safety and welfare caused by runoff of excessive stormwater from new development and redevelopment. This excessive stormwater could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources. The cause of increases in stormwater runoff quantity and rate and impairment of quality is the development and improvement of land and as such this ordinance regulates these activities to prevent adverse impacts.

This Article is adopted to accomplish the following objectives:

(A) To assure that new development does not increase the drainage or flood hazards to others, or create unstable conditions susceptible to erosion;

(B) To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff;

(C) To protect human life and health from the hazards of increased flooding on a watershed basis;

(D) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, correction of channel erosion problems, and flood rescue and relief operations caused by increased stormwater runoff quantities from new development;

(E) To protect, conserve, and promote the orderly development of land and water resources;

(F) To preserve the natural hydrologic and hydraulic functions of watercourses and floodplains and to protect water quality and aquatic habitats;

(G) To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
Section 33-1402. Definitions

(A) Adverse Impacts: Any deleterious impact on water resources or wetlands affecting their beneficial uses including recreation, aesthetics, aquatic habitat, quality, and quantity.

(B) Applicant: Any person, firm, or governmental agency who executes the necessary forms to procure official approval of a development or permit to carry out construction of a development from the Village of Bolingbrook.

(C) Base Flood Elevation: The elevation at all locations delineating the level of flooding resulting from the 100-year frequency flood event.

(D) Buffer: An area of predominantly vegetated land to be left open, adjacent to drainage ways, wetlands, lakes, ponds, or other surface waters for the purpose of eliminating or minimizing adverse impacts to such areas.

(E) Bypass Flows: Stormwater runoff from upstream properties tributary to a property's drainage system but not under its control.

(F) Channel: Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainageway, which has a definite bed and bank or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

(G) Channel Modification: Alternation of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, riprapping (or other armoring), widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody rooted vegetation. Channel modification does not include the clearing of debris or removal of trash.

(H) Compensatory Storage: An artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when fill or structures are placed within the floodplain.

(I) Conduit: Any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

(J) Depressional Storage Area: Non-riverine depressions in the earth which are internally drained, and collect stormwater.

(K) Detention Basin: A facility constructed or modified to provide for the temporary storage of stormwater runoff and the controlled release by gravity of this runoff at a prescribed rate during and after a flood or storm.
Detention Time: The mean residence time of stormwater in a detention basin.

Development: Any man-made change to real estate, including:

1. Construction, reconstruction or placement of a building or any addition to a building;
2. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days;
3. Construction of roads, bridges, or similar projects;
4. Redevelopment of a site;
5. Filling, dredging, grading, clearing, excavating, paving, or other non-agricultural alterations of the ground surface;
6. Storage of materials or deposit of solid or liquid waste;
7. Any other activity that might alter the magnitude, frequency, deviation, direction, or velocity of stormwater flows from a property.

Drainage Plan: A plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, as well as the drainage system and environmental features which are proposed as part of development of a property.

Dry Basin: A detention basin designed to drain completely after temporary storage of stormwater flows and to normally be dry over the majority of its bottom area.

Erosion: The general process whereby earth is removed by flowing water or wave action.

Excess Stormwater Run-off: The volume and rate of flow of stormwater discharged from an urbanized drainage area which is or will be in excess of that volume and rate which pertained before urbanization.

Floodplain: That land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. The floodplain is also known as the Special Flood Hazard Area (SFHA).

Flood Fringe: That portion of the floodplain outside of the regulatory floodway.
Floodway: The channel and that portion of the floodplain adjacent to a stream or watercourse which is needed to store and convey the anticipated existing and future 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to any loss of flood conveyance or storage and no more than a 10 percent increase in velocities.

Fluctuation: The difference in elevation measured between the normal water level of a dry or wet detention basin and the 100-year high water elevation.

Freeboard: An increment of height added to the 100-year high water elevation of a stream, drainage swale, or dry or wet detention basin to provide a factor of safety for uncertainties in calculations, unknown local conditions, wave actions and debris jams.

Hydrograph: A graph showing for a given location or a stream of conduit, the flow rate with respect to time.

Infiltration: The passage or movement of water into the soil surface.

Major Drainage System: That portion of a drainage system needed to store and convey flows beyond the capacity of the minor drainage system. The major drainage system is usually designed to handle 100-year storm event flows.

Minor Drainage System: That portion of a drainage system designed for the convenience of the public. It consists of street gutters, storm sewers, small open channels, and swales and, where manmade, is usually designed to handle 10-year storm event flows.

Mitigation: Those measures necessary to minimize the negative effects which stormwater drainage and development activities might have on public health, safety, and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration.

Natural: Conditions resulting from physical, chemical, and biological processes without intervention by man. Natural stream reaches provide beneficial uses including recreation, aquatic habitat, flood control, open space preservation, and groundwater recharge.

One Hundred-Year Event: A rainfall, runoff, or flood event having a one percent chance of occurring in any given year.

Positive Drainage: Provision for overland flow paths for all areas of a property including depressional areas that may also be drained by storm sewer.
(ee) Peak Flow: The maximum rate of flow of water at a given point in a channel or conduit.

(ff) Property: A parcel of real estate.

(gg) Regional Stormwater Detention Area: A stormwater retention or detention facility which is designed to accept stormwater runoff from the tributary watershed of a region. (Ordinance No. 95-017, 02.14.95)

(hh) Regulatory Floodway: The channel, including on-stream lakes, and that portion of the flood plain adjacent to a stream or watercourse as designated by the Illinois Department of Transportation - Division of Water Resources (IDOT-DWR), which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10 percent increase in velocities. The regulatory floodways in the Village of Bolingbrook are designated for Lily Cache Creek, Lily Cache Lane Tributary, Naperville Road Tributary, and the DuPage River on the regulatory Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency (FEMA). To locate the regulatory floodway boundary on any site, the regulatory floodway boundary should be scaled off the regulatory floodway map and located on a site plan using reference marks common to both maps. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, IDOT-DWR or the Village Engineering Staff should be contacted for the interpretation.

(ii) Retention Basin: A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

(jj) Sedimentation: The process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

(kk) 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 from a property. The stormwater drainage system includes but is not limited to any of the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins, swales and pumping stations.

(ll) Stormwater Runoff: The waters derived from melting snow or rain falling within a tributary drainage basin which are in excess of the infiltration capacity of the soils of that basin, which flow over the surface of the ground or are collected in channels or conduits.

(mm) Storm Sewer: A closed conduit for conveying collected stormwater.
(nn) Time of Concentration: The elapsed time for stormwater to flow from the most hydraulically remote point in a drainage basin to a particular point of interest in that watershed.

(oo) Tributary Watershed: All of the land surface area that contributes runoff to a given point.

(pp) Two-year Event: A runoff, rainfall, or flood event having a fifty percent chance of occurring in any given year.

(qq) Wet Basin: A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

Section 1403. Applicability/Prohibition of Development

This Article shall apply to all development within the boundaries of the Village of Bolingbrook. It shall be unlawful for any person to develop property within the Village without having first secured a stormwater permit therefore pursuant to this Article. (Ordinance No. 95-017, 02.14.95)

Section 1404. Drainage Plan Submittal Requirements

Each applicant shall submit the following information to the Department of Public Works and Engineering so the provisions of this Article 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. (Ordinance No. 95-017, 02.14.95)

The following information shall be submitted for both existing and proposed property conditions:

(A) Topographic Map: A topographic survey of the property at one-foot contour intervals under existing and proposed conditions, and areas upstream and downstream, necessary to determine off-site impacts of the proposed drainage plan. The map shall be keyed to the National Geodetic Vertical Datum of 1929 (NGVD).

(B) Drainage System: Mapping and descriptions, where relevant, of existing and proposed drainage system features of the property and immediate vicinity including:
1. the banks and centerline of streams and channels;
2. shoreline of lakes, ponds, and detention basins;
3. farm drains and tiles (if available);
4. sub-watershed boundaries within the property;
5. watershed soils classifications;
6. the property's location within the larger watershed;
7. location, size and slope of stormwater conduits and drainage swales;
8. cross-section data for open channel flowpaths and designated overland flow paths;
9. depressional storage areas;
10. delineation of upstream and downstream drainage features and watersheds which might be affected by the development;
11. detention facilities;
12. roads and streets and associated stormwater inlets;
13. base flood elevation, and regulatory floodway where identified for the property;
14. elevations and maps of 100-year flooding;
15. direction of storm flows;
16. flow rates, detention volumes, and velocities at representative points in the drainage system;
17. a statement by the design engineer of the drainage system's provisions for handling emergency storm events greater than the 100-year runoff event; and
18. Design report and summary of the features listed above.

(C) Environmental Features: A depiction of environmental features of the property and immediate vicinity including the following:

(1) rock out crops;
(2) wooded areas and trees (6" in diameter or greater);
(3) existing vegetative cover type;
(4) limits of wetland areas including hydric (wetland) soils and hydrophytic (water-tolerant) vegetation;

(D) The Department of Public Works and Engineering shall issue a stormwater permit upon its determination that the application complies with all provisions of this Article and other applicable codes and ordinances of the Village. (Ordinance No. 95-017, 02.14.95)

Section 33-1405. Minimization of Increases in Runoff Volumes and Rates
In the selection of a drainage plan for a development, the applicant shall evaluate and implement, where practicable, site design features which minimize the increase in runoff volumes and rates from the site. The applicant's drainage plan shall include evaluations of site design features which are consistent with the following hierarchy ranging from Item (A) (preferred) to Item (E) (least preferred):

(A) Minimize impervious surfaces on the property, consistent with the needs of the project and current Village development code requirements;

(B) Attenuate flows by use of natural depressions, shallow swales, infiltration and by preserving natural stream channels;

(C) Provide stormwater retention structures;

(D) Provide stormwater detention structures; and

(E) Construct storm sewers.

(Ordinance No. 94-009, 01.25.94)

Section 33-1406. Water Quality and Multiple Uses

The drainage system should be designed to minimize adverse water quality impacts downstream and on the property itself. Detention basins shall incorporate design features to capture stormwater runoff pollutants. Retention and infiltration of stormwater shall be promoted throughout the property's drainage system to reduce the volume of stormwater runoff and to reduce the quantity of runoff pollutants.

The drainage system should incorporate multiple uses where practicable. Uses considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating, trails, playing fields), wetlands and water quality mitigation. The applicant should avoid using portions of the property exclusively for stormwater management.
Section 33-1407. Design Criteria, Standards, and Methods

(A) Release Rates - The drainage system for a property shall be designed to control the peak rate of discharge from the property and abutting street centerline based on future widening for the 2-year frequency, 24-hour duration and 100-year, 24-hour events to levels which will not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities. The peak discharge from events less than or equal to the 2-year event shall not be greater than 0.04 cubic feet per second (cfs) per acre of property drained. The peak 100-year discharge shall not be greater than 0.30 cfs per acre of property drained. (Ordinance 98-127, 10.13.98)

(B) Detention Basin Outlet Design: Backwater on the outlet structure from the downstream drainage system shall be evaluated when designing the outlet.

(C) Detention Storage Requirements - The design maximum storage to be provided in a detention basin shall be based on the runoff from the abutting street (up to centerline of the street based on future road widening) in addition to the fully proposed improved condition of the development for the 100-year, 24-hour event and reservoir (also called modified pulse or level pool) routing or equal. Detention storage shall be computed using hydrograph methods as described in this section. (Ordinance No. 98-127, 10.3.98)

(D) Drainage System Design and Evaluation - The following criteria should be used in evaluating and designing the drainage system. The underlying objective is to provide capacity to pass the 10-year peak flow in the minor drainage system and an overland flow path for 100-year flows in excess of the 10-year design minor system capacity. One hundred-year flows should be conveyed in the major drainage system.

1. Design Methodologies: Major and minor conveyance systems for areas draining up to 5 acres may be designed using the Rational formula. The Rational formula may also be used in sizing the minor drainage system for larger sites. Runoff hydrograph methods as described in Section 33-1407 (e) must be used for major drainage system design for all systems with greater than 5 acres of drainage area and for the design of all detention or retention basins with greater than 5 acres of drainage area.

2. Positive Drainage: Whenever practicable, all areas of the property should include an overland flow path that will pass the 100-year flow at a stage at least 2 feet below the lowest foundation grade or lowest structure opening in the vicinity of the flow path. Overland flow paths designed to handle
flows in excess of the minor drainage system capacity shall have drainage easements. Street ponding and flow depths shall not exceed 12 inches at the gutter flow line. The minimum allowable slope for overland flow in drainage channels and swales shall be 1.5 percent along the centerline of flow.

(E) Methods for Generating Runoff and Hydraulic Analysis - The following procedures should be used to generate runoff for hydraulic analysis of drainage facilities:

1. Hydrographs: The following hydrologic design procedures are considered acceptable for generation of hydrographs for parcels greater than 5 acres in drainage area; U.S. Army Corps of Engineers HEC-1 and U.S. Soil Conservation Service TR-20 and TR-55. Table 1400.1 shall be used to determine minimum detention volume requirements for parcels up to 5 acres in size. Runoff hydrographs shall be developed incorporating the following assumptions of rainfall amounts and antecedent moisture.


3. Rainfall: All design rainfall events shall be based on Illinois State Water Survey Bulletin 70. Huff's Illinois State Water Survey first quartile peak, point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations less than or equal to 12 hours. Huff's third quartile peak, point rainfall distribution shall be used for the design and analysis of systems with durations greater than 12 hours and less than or equal to 24 hours. Huff's fourth quartile peak, point rainfall distribution shall be used for storm durations greater than 24 hours. The SCS Type II distribution may be used as an alternate to the Huff distributions for watersheds up to 320 acres in size. Bulletin 70 rainfall depth and intensity data for the Village of Bolingbrook is provided in Table 1400.2 and Figure 1400.1, respectively. Huff's and SCS-Type II rainfall distribution data is provided in Table 1400.3.

4. Antecedent Moisture: Computations of runoff hydrographs which do not rely on a continuous accounting of antecedent moisture conditions shall assume a conservative wet antecedent moisture condition. Use SCS-TR-55 antecedent moisture condition "2" as a minimum.

(F) Wet Detention Basin Design - Wet detention basins shall be designed to provide storage for flood control, remove stormwater pollutants,
to be safe, to be aesthetically pleasing, and, as much as feasible, to be available for recreational use.

1. Wet Basin Depths: Wet basins shall be at least 10 feet deep over 25 percent of the bottom area to prevent winter freeze-out and control growth of aquatic vegetation. Provide a 5 feet wide horizontal safety ledge around the perimeter of the detention basin ranging between 2 to 3 feet below the normal water elevation.

2. Wet Basin Shoreline Slopes: The side slopes of wet basins at the normal pool elevation shall not be steeper than 6 to 1 (horizontal to vertical) on publicly owned ponds and on ponds in residential areas. Privately owned ponds in non-residential areas shall not be steeper than 4 to 1 (horizontal to vertical). Shoreline protection shall be provided as shown on the Village of Bolingbrook Standard "Typical Cross-Section of Detention Pond". However, the Village Engineer in his/her sole discretion may approve other shoreline protection. (Ordinance 09-007, 02.10.09)

3. Permanent Pool Volume: The permanent pool volume in a wet basin below the normal water elevation shall be equal to the runoff volume from its watershed for the two-year event.

4. Inlet and Outlet Orientation: To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, the inlets and outlets should be at opposite ends of the basin.

5. Fluctuation: Maximum fluctuation between the normal and 100-year event water level shall not exceed 3 feet. The maximum fluctuation may be 4 feet provided basin sideslopes are no steeper than 10 to 1. However, the Village Engineer in his/her sole discretion may give a variance in the fluctuation requirements depending upon the site conditions. (Ordinance No. 96-001, 01.09.96)

6. Freeboard: Minimum freeboard between the 100-year event water level and top of embankment shall be 1 foot.

7. All retention ponds shall be lined with a minimum of one foot (1') of clay (or equivalent measures as determined by the Village Engineer) in order to prevent leakage. (Ordinance 03-023, 03.11.03)

8. Side Slopes shall be respread with a minimum of 6" of topsoil and covered with seed (IDOT type 1 lawn mix) and excelsior blanket on knitted straw mat. (Added by Ordinance 09-007, 02.10.09)
Dry Detention Basin Design - In addition to the other requirements of this Article dry basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing and, as much as feasible, be available for multiple uses.

1. Dry Basin Drainage: Dry basins shall be designed so that 80 percent of their bottom area shall have standing water no longer than 48 hours for any runoff event up to and including the 100-year event. The side slopes shall not be steeper than 6 to 1 (horizontal to vertical) respectively on publicly owned ponds and ponds in residential areas. Privately owned ponds in non-residential areas shall not be steeper than 4 to 1 (horizontal to vertical). Underdrains directed to the outlet control shall be used when basin floor slopes are less than 2.0 percent. Where underdrains are used, the pond bottom shall be sodded. Underdrains are not required where a wetlands motif is being used. (Ordinance 09-007, 02.10.09)

2. Velocity Dissipation: Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize the resuspension of pollutants. Velocity dissipation measures may include native vegetation, riprap, baffle blocks, flared end sections, or concrete aprons.

3. Inlet and Outlet Orientation: To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, they should be at opposite ends of the basin.

4. Freeboard: Minimum freeboard between the 100 year high water level and the top of embankment shall be one (1) foot. (Ordinance 94-009, 01.25.94)

5. Maximum Fluctuation: Maximum fluctuation between the invert of the control structure and the 100-year event water level shall not exceed six (6) feet. (Ordinance No. 94-009, 01.25.94)

6. Side slopes shall be respread with a minimum of 6" of topsoil and covered with seed (IDOT type 1 lawn mix) and excelsior blanket on knitted straw mat. (Added by Ordinance 09-007, 02.10.09)

Minimum Detention Outlet Size - Where a single pipe outlet is to be used to control discharge, it shall have a minimum diameter of 12 inches. If this minimum pipe size permits release rates greater than those specified in this section, and regional detention is not a practical alternative, alternative designs shall be utilized to provide smaller outlets such as perforated risers, notch weirs, or a smaller pipe orifice mortared into the interior of a larger pipe. (Ordinance No. 94-009, 01.25.94)

Detention in Floodplains - The placement of detention basins within
the 100-year floodplain is strongly discouraged because of questions about their reliable operation during flood events. However, the stormwater detention requirements of this Article may be fulfilled by providing detention storage within flood fringe areas outside of the floodway on the project site provided the following provisions are met.

1. Detention in Flood Fringe Areas: The placement of a detention basin in a flood fringe area shall require compensatory storage for 1.5 times the volume below the 100-year base flood elevation occupied by the detention basin including any berms. The release rate from the detention storage provided shall still be controlled consistent with the requirements of this section. The applicant shall demonstrate the operation of the detention basin for all streamflow and floodplain backwater conditions. Excavation for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention. All floodplain storage lost below the 10-year flood elevation shall be replaced below the 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All compensatory storage excavation shall be constructed to drain freely and openly to the watercourse.

2. Detention in Floodways: Detention basins shall be placed in the floodway only in accordance with Section 33-1407(i)3.

3. On-stream Detention: On-stream detention basins are discouraged but allowable if they provide regional public benefits by reducing flows downstream and if they meet the other provisions of this Article with respect to water quality and control of the 2-year and 100-year, 24-hour events from the property. Further criteria are presented in Section 33-1408 of this Article. Impoundment of the stream as part of on-stream detention:

   (a) Shall not cause or contribute to the degradation of water quality or stream aquatic habitat,

   (b) shall include a design providing gradual bank slopes, appropriate bank stabilization measures, and a presedimentation basin,

   (c) shall not involve any stream channelization or the filling of wetlands to the minimum extent practicable,

(J) Drainage into Wetlands - Wetlands shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this Article, the following requirements shall be met for all developments whose drainage flows into wetlands:
1. Detention in Wetlands: Existing wetlands shall not be altered for the purposes of stormwater detention unless it is demonstrated that the existing wetland is low in quality and the proposed modifications will maintain or improve its habitat and ability to perform beneficial functions. Existing depressional storage in wetlands shall be maintained and the volume of detention storage provided to meet the requirements of this section shall be in addition to this existing storage.

2. Alteration of Drainage Patterns: Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to the wetland.

3. Detention/Sedimentation: All runoff from the development shall be routed through catch basins or a preliminary detention/sedimentation basin designed to capture the 2-year, 24-hour event and hold it for at least 24 hours, before being discharged to the wetland. This basin shall be constructed before property grading begins. In addition, the drainage hierarchy defined in Section 33-1405 should be followed to minimize runoff volumes and rates being discharged to the wetland.

4. Vegetated Buffer Strip: A buffer strip of at least 30 feet in width, preferably vegetated with native plant species, shall be maintained or restored around the periphery of the wetland limit.

(K) Buffer Areas - Buffers shall encompass all bodies of water including streams, wetlands, lakes and ponds.

For all water bodies with a surface area greater than one acre, a minimum buffer width of 30 feet extending outside of the delineated water body boundary (ordinary high water level) shall be established. The ordinary high water level is classified as the 2-year event high water elevation or top of channel bank elevation, whichever is greatest.

For all water bodies with a surface area less than or equal to one acre, a minimum buffer width shall be established such that the area of the buffer is one-half the area of the water body, to a minimum width of 10 feet.

1. Native Vegetation: The use of native riparian vegetation is preferred in the buffer area.

2. Boundary: The boundary of the buffer area for lakes, ponds and channels shall be determined by measuring from the ordinary high water level, or top of channel bank. For wetlands the boundary of the buffer area shall be determined by measuring from the delineated wetland limit.
3. Development: All buffer areas shall be maintained free from development including disturbance of the soil, dumping or filling, erection of structures and placement of impervious surfaces except as follows:

(a) A buffer area may be used for passive recreation (e.g., birdwatching, walking, jogging, bicycling, horseback riding and picnicking) and it may contain pedestrian, bicycle or equestrian trails, provided that the created path is no wider than 10 feet. If the path leads to a wetland, it should be meandering with provisions for surfacing (soil, limestone screening, boardwalk, etc.).

(b) Structures and impervious surfaces for recreation facilities may occupy a maximum of 20 percent of the required buffer area provided the runoff from such facilities is diverted away from the watercourse or such runoff is directed to enter the buffer area as unconcentrated flow.

(c) Utility maintenance and maintenance of drainage facilities and drainage easements shall be allowed.

(d) Anchoring and placement of boat docks and piers may be allowed.

(L) Street, Parking Lot, and Culvert Drainage - Design shall be completed in accordance with the following criteria:

1. Streets: If streets are to be used as part of the major drainage system, ponding depths shall not exceed the gutter elevation by more than 12 inches and shall not remain flooded for more than 6 hours for any event less than or equal to the 100-year event.

2. Parking Lots: The maximum stormwater ponding depth in any parking area shall not exceed 12 inches for more than 6 hours for any event less than or equal to the 100-year event.

3. Culvert Roadway and Driveway Crossings: Sizing of culvert crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert. New roadway culverts along streams shall be designed to convey 100-year flows without raising the existing 100-year flood elevation more than 0.1 feet. Freeboard between the 100-year water surface elevation and the low chord of proposed culverts or bridges shall not be less than one foot at the upstream face. Driveway culverts along roadway swales shall be designed to convey the 10-year event flow at just full pipe flow capacity (open channel flow).
Safety Considerations - The drainage system components, especially all detention basins, shall be designed to protect the safety of any children or adults coming in contact with the system during runoff events.

1. Velocity: Velocities throughout the open channel, surface drainage system shall be controlled to safe levels taking into consideration rates and depths of flow. A safe velocity is defined as the product of velocity (feet/second) times depth (feet) not to exceed 4.

2. Overflow Structures: All stormwater detention basins shall be provided with an emergency overflow structure capable of safely passing excess flows at a stage at least 2-feet below the lowest foundation grade or low building entry opening in the vicinity of the detention basin. The design flow rate of the emergency overflow structure shall be equivalent to twice the 100-year inflow rate to the detention basin.

Maintenance Considerations - The stormwater drainage system shall be designed to minimize and facilitate maintenance. Grass turf side slopes shall be designed to allow easy negotiation of lawn mowing equipment. Access for heavy equipment for sediment removal shall be provided.

Multi-purpose Stormwater Detention at Park Sites: Applicants may provide multi-purpose stormwater detention at dedicated park land within a new subdivision provided the following criteria are met.

1. Site Criteria: Parks containing dry or wet detention facilities shall:
   (a) Contain no more than 50 percent of the site used for stormwater storage. At least 50 percent of the site must be on dry ground of suitable size for ball fields, playground, picnic facilities, and other land based passive and active recreational activities.
   (b) Be a minimum of 5 acres in size.
   (c) Have suitable soil and topographic conditions for pond design related to groundwater, positive drainage and infiltration/seepage criteria.
   (d) Be centrally located and adjacent to a school site where applicable.

2. Slopes: Stormwater detention facilities at parks should be graded to match existing slopes wherever possible. Optimum slopes at dry land should range from 1.5 percent minimum to 10 percent maximum. No less than 1.5 percent slope is acceptable for grass areas under any circumstances except when under drains are provided. Maximum slopes greater than 10 percent
are permissible in special circumstances where greater slopes are desirable for recreation use (i.e. sled hill).

3. Park Pond Design: Detention ponds at Park District sites shall be designed in accordance with the criteria outlined previously in Section 33-1407.

(P) Depressional Storage - Natural depressional storage that exists on a site shall be maintained whenever possible. Where a depressional storage area needs to be filled in order to develop a site, the volume of floodwater storage lost shall be added to the amount of detention otherwise required. The release rate from said pond shall then be reduced accordingly. (Ordinance No. 94-009, 01.25.94)

(Q) Deleted by Ordinance 15-033, 05.26.15.
### Table 1400.1

**STORMWATER DETENTION REQUIREMENTS FOR PARCELS OF 20 ACRES OR LESS***

**VILLAGE OF BOLINGBROOK**

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<td>0.15</td>
<td>0.15</td>
</tr>
<tr>
<td>95</td>
<td>0.19</td>
<td>0.50</td>
<td>0.04</td>
<td>0.15</td>
<td>0.15</td>
</tr>
</tbody>
</table>

* *Taken from the Will County Stormwater Ordinance’s Technical Guidance Manual, then reduced 4% to account for lower rainfall in Bolingbrook.
TABLE 1400.2
RAINFALL DEPTH DATA
ILLINOIS STATE WATER SURVEY, BULLETIN 70
Village of Bolingbrook, Illinois

Total Rainfall Depth (inches)

<table>
<thead>
<tr>
<th>Storm Duration</th>
<th>3-mon.</th>
<th>6-mon.</th>
<th>1-yr.</th>
<th>2-yr.</th>
<th>5-yr.</th>
<th>10-yr.</th>
<th>25-yr.</th>
<th>50-yr.</th>
<th>100-yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 min.</td>
<td>0.19</td>
<td>0.25</td>
<td>0.31</td>
<td>0.37</td>
<td>0.46</td>
<td>0.57</td>
<td>0.69</td>
<td>0.84</td>
<td>0.96</td>
</tr>
<tr>
<td>10 min.</td>
<td>0.34</td>
<td>0.44</td>
<td>0.55</td>
<td>0.65</td>
<td>0.80</td>
<td>1.00</td>
<td>1.21</td>
<td>1.47</td>
<td>1.68</td>
</tr>
<tr>
<td>15 min.</td>
<td>0.43</td>
<td>0.57</td>
<td>0.70</td>
<td>0.84</td>
<td>1.03</td>
<td>1.28</td>
<td>1.55</td>
<td>1.89</td>
<td>2.16</td>
</tr>
<tr>
<td>30 min.</td>
<td>0.60</td>
<td>0.78</td>
<td>0.96</td>
<td>1.15</td>
<td>1.41</td>
<td>1.76</td>
<td>2.13</td>
<td>2.59</td>
<td>2.96</td>
</tr>
<tr>
<td>1 hr.</td>
<td>0.76</td>
<td>0.99</td>
<td>1.22</td>
<td>1.46</td>
<td>1.79</td>
<td>2.23</td>
<td>2.70</td>
<td>3.29</td>
<td>3.76</td>
</tr>
<tr>
<td>2 hr.</td>
<td>0.93</td>
<td>1.22</td>
<td>1.51</td>
<td>1.80</td>
<td>2.20</td>
<td>2.76</td>
<td>3.34</td>
<td>4.06</td>
<td>4.64</td>
</tr>
<tr>
<td>3 hr.</td>
<td>1.03</td>
<td>1.34</td>
<td>1.66</td>
<td>1.98</td>
<td>2.43</td>
<td>3.04</td>
<td>3.68</td>
<td>4.48</td>
<td>5.12</td>
</tr>
<tr>
<td>6 hr.</td>
<td>1.21</td>
<td>1.58</td>
<td>1.95</td>
<td>2.32</td>
<td>2.85</td>
<td>3.56</td>
<td>4.31</td>
<td>5.25</td>
<td>6.00</td>
</tr>
<tr>
<td>12 hrs.</td>
<td>1.40</td>
<td>1.83</td>
<td>2.26</td>
<td>2.70</td>
<td>3.31</td>
<td>4.13</td>
<td>5.00</td>
<td>6.09</td>
<td>6.96</td>
</tr>
<tr>
<td>18 hrs.</td>
<td>1.51</td>
<td>1.97</td>
<td>2.44</td>
<td>2.91</td>
<td>3.57</td>
<td>4.46</td>
<td>5.41</td>
<td>6.58</td>
<td>7.52</td>
</tr>
<tr>
<td>24 hrs.</td>
<td>1.61</td>
<td>2.10</td>
<td>2.60</td>
<td>3.10</td>
<td>3.80</td>
<td>4.75</td>
<td>5.75</td>
<td>7.00</td>
<td>8.00</td>
</tr>
<tr>
<td>48 hrs.</td>
<td>1.74</td>
<td>2.27</td>
<td>2.81</td>
<td>3.35</td>
<td>4.10</td>
<td>5.13</td>
<td>6.21</td>
<td>7.56</td>
<td>8.64</td>
</tr>
<tr>
<td>72 hrs.</td>
<td>1.87</td>
<td>2.44</td>
<td>3.02</td>
<td>3.60</td>
<td>4.41</td>
<td>5.51</td>
<td>6.67</td>
<td>8.12</td>
<td>9.28</td>
</tr>
</tbody>
</table>

(Ordinance No. 98-127, 10.13.98)
### TABLE 1400.3
COMPARISON OF RAINFALL DISTRIBUTIONS
VILLAGE OF BOLINGBROOK, ILLINOIS

Incremental Percent Rainfall

<table>
<thead>
<tr>
<th>% of Duration</th>
<th>Huff 1st Quartile</th>
<th>Huff 2nd Quartile</th>
<th>Huff 3rd Quartile</th>
<th>Huff 4th Quartile</th>
<th>SCS Type II</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>5</td>
<td>12</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
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<tr>
<td>10</td>
<td>14</td>
<td>5</td>
<td>3</td>
<td>3</td>
<td>2</td>
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<tr>
<td>15</td>
<td>14</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>1</td>
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<tr>
<td>20</td>
<td>11</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>2</td>
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<tr>
<td>25</td>
<td>8</td>
<td>6</td>
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<td>3</td>
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<td>30</td>
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<tr>
<td>95</td>
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<td>10</td>
<td>2</td>
</tr>
<tr>
<td>100</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>7</td>
<td>1</td>
</tr>
</tbody>
</table>

### Recommended Time Distributions

<table>
<thead>
<tr>
<th>Storm Duration</th>
<th>Time Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 12 hours</td>
<td>First Quartile</td>
</tr>
<tr>
<td>Greater than 12 hours and less than or equal to 24 hours</td>
<td>Third Quartile</td>
</tr>
<tr>
<td>Greater than 24 hours</td>
<td>Fourth Quartile</td>
</tr>
</tbody>
</table>
FIGURE 1400.1 RAINFALL INTENSITY VS. DURATION VILLAGE OF BOLINGBROOK, ILLINOIS
I.S.W.S. BULLETIN 70

DURATION (MINUTES)

INTENSITY (INCHES PER HOUR)

- 2 yr
- 5 yr
- 10 yr
- 50 yr
- 100 yr

CHAPTER 33
Section 1407
Section 33-1408. Accommodating Flows From Upstream Tributary Areas
Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system. Whenever practicable, flows from upstream areas that are not to be detained should be routed around the basin being provided for the site being developed.

Section 33-1409. Pond Location. Wherever possible, detention and retention facilities shall be constructed at locations conducive to expansion of flood storage when adjacent properties are developed. These facilities may be sited to provide flood storage for one or more adjacent properties. This may be accomplished by locating these facilities at common property corners or property lines taking into account topography and other factors.

Section 33-1410. Early Completion of Detention Facilities
Where detention, retention, or depressional storage areas are to be used as part of the drainage system for a property, they shall be constructed as the first element of the initial earthwork program. Any eroded sediment captured in these facilities shall be removed by the applicant before project completion in order to maintain the design volume of the facilities.

Section 33-1411. Maintenance Responsibility
Maintenance of stormwater drainage facilities located on private property shall be the responsibility of the owner of that property. Before final plan approval is obtained from the Village, the applicant shall execute a maintenance agreement with the Village guaranteeing that the applicant and all future owners of the property will maintain its stormwater drainage system. The maintenance agreement shall also specifically authorize the representatives of the Village to enter onto the property for the purpose of inspections and maintenance of the drainage system. Such agreement shall be recorded with the Recorder of Deeds of Will County. The maintenance agreement shall include a schedule for regular maintenance of each aspect of the property's stormwater drainage system and shall provide for access to the system for inspection by authorized personnel of the Village. The maintenance agreement shall also stipulate that if the Village notifies the property owner in writing of maintenance problems which require correction, the property owner shall make such corrections within thirty (30) calendar days of such notification. If the corrections are not made within this time period the Village may have the necessary work completed and assess the cost to the property owner.

The Village has the option of requiring a bond to be filed by the property owner for maintenance of the stormwater drainage system.
Section 33-1412. Regional Stormwater Detention Required.  
(Ordinance No. 95-017, 02.14.95)

Where the Comprehensive Plan of the Village provides for a regional stormwater detention area, all development occurring on properties which are tributary to the regional stormwater detention area shall utilize the regional stormwater detention area in lieu of on-site stormwater detention.

In addition, properties which are not tributary to the regional stormwater detention area may be permitted to utilize the regional stormwater detention area in lieu of on-site stormwater detention or in order to mitigate wetlands located on such properties. Use of the regional stormwater detention area by such non-tributary properties shall be subject to the prior review and approval of the Director of Public Works and Engineering.

Section 33-1413. Regional Stormwater Detention Area Permit.  
(Ordinance No. 95-017, 02.14.95)

Prior to the development of any property within a regional stormwater detention area, the owner of such property shall apply for a regional stormwater detention area permit from the Department of Public Works and Engineering. In addition to other requirements set forth in this Article for stormwater permits, the application shall include detailed engineering plans for the collection and transmission of stormwater runoff from the property to the regional detention area and such other information as may be required by the Department for its review. 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. The Department shall issue the regional stormwater detention permit upon its approval of the plans and specifications submitted by the applicant as being in compliance with this Article and all applicable Village codes and ordinances.

Section 33-1414. Regional Stormwater Detention Capital Cost Fees.  
(Ordinance 07-123, 10.23.07)

(A) When stormwater conduits are required under the approved regional stormwater detention permit, the applicant/permittee shall be responsible for the installation of all such conduits, whether on-site or off-site, at the applicant/permittee's sole cost and expense. If any of the aforesaid work does not conform with the Village Code, or with this Article, the Village may complete the work and bill the occupant or owner of the property therefore. All
work shall conform to the permit specifications, the Village Code, and such amendments thereto as may be approved. All such work shall be done under the observation of the Director of Public Works and Engineering or his designee, and a certificate of approval must be issued prior to the use of any conduits for the diversion of stormwater runoff to the regional stormwater detention area.

(B) Prior to the issuance of the certificate of approval, the applicant/permittee shall pay a regional stormwater detention capital cost fee. The fee has been calculated by the Village based on the following factors:

(1) An estimate of the required detention volume for the applicant/permittee's property, assuming that the property is developed in a manner consistent with R-3 zoning; and

(2) The amount of compensatory fill required for filling flood plain areas on the property.

Based on the foregoing factors and assumptions, the regional stormwater detention capital costs fees for affected properties are detailed in Appendixes 1414(A) and 1414(B), which are included in this Chapter.

The regional stormwater detention capital costs fees are subject to adjustment by the Village Engineer based on actual land use and the associated detention required by the actual land use. The fees set forth in Appendixes 1414(A) and 1414(B) shall further be increased automatically by the amount of six percent (6%) per annum, beginning January 1, 2008.
### Appendix 1414(A)

#### Dollars Owed for Regional Detention Facility - Phase 1

(2001 Cost - $23,597.39 per acre-feet @ 6% per annum is $32,092.45 per acre-foot for 2007 cost)

<table>
<thead>
<tr>
<th>Property Pin Number</th>
<th>Property Owner</th>
<th>Parcel Size (Acres)</th>
<th>Required Acre-Feet Detention</th>
<th>Dollars for Detention</th>
<th>Required Acre-Feet Comp Storage</th>
<th>Dollars for Required Comp Storage</th>
<th>Dollars for Optional Comp Storage</th>
<th>Total Dollars Based on 2001 Cost</th>
<th>Total Dollars Based on 2007 Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-25-100-001</td>
<td>Bronk</td>
<td>40.0</td>
<td>14.4</td>
<td>$339,802.42</td>
<td>0</td>
<td>$0.00</td>
<td>18.75</td>
<td>$442,451.06</td>
<td>$782,253.48</td>
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<tr>
<td>01-25-100-002</td>
<td>Bronk</td>
<td>35.0</td>
<td>12.6</td>
<td>$297,327.11</td>
<td>0</td>
<td>$0.00</td>
<td>7.50</td>
<td>$176,980.43</td>
<td>$474,307.54</td>
</tr>
<tr>
<td>01-25-100-011</td>
<td>Village of Bolingbrook</td>
<td>60.0</td>
<td>21.6</td>
<td>$509,703.62</td>
<td>35</td>
<td>$825,908.65</td>
<td>15.00</td>
<td>$353,960.85</td>
<td>$1,689,573.12</td>
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<tr>
<td>01-25-100-009</td>
<td>Puetz</td>
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<td>1.4</td>
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<td>$0.00</td>
<td>1.50</td>
<td>$35,396.09</td>
<td>$68,432.43</td>
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<tr>
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<td>Ryland Homes</td>
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<td>8.4</td>
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<td>$0.00</td>
<td>0.00</td>
<td>$212,376.51</td>
<td>$288,832.05</td>
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<td>American Estates (VOB)</td>
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<td>105</td>
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<td>$3,062,941.22</td>
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<tr>
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<td>Mary Kelley</td>
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<td>$750,963.34</td>
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<td>Allyn &amp; June Bronk</td>
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<td>18.0</td>
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<td>$0.00</td>
<td>0.00</td>
<td>$424,753.02</td>
<td>$577,664.11</td>
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<tr>
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<td>5.2</td>
<td>1.9</td>
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<td>$0.00</td>
<td>0.00</td>
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<td>$60,975.66</td>
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<td>Golf Course Lob Cabin</td>
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<td></td>
<td>810.3</td>
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<td><strong>144</strong></td>
<td><strong>80.25</strong></td>
<td><strong>1,893,690.55</strong></td>
<td><strong>$12,172,713.63</strong></td>
<td><strong>$16,554,890.54</strong></td>
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</table>

**Notes:**
1) All numbers are ± .
2) Parcel size includes only that part of the parcel that drains to that phase of the regional project.
3) Required acre-feet of storage based on R-3 zoning.
4) Acre-feet of required detention assumes 0.36 acre-feet per 1 acre of required detention.
5) Optional compensatory storage as shown calculated at 1 to 1.5 ratio
6) Required compensatory storage already provided. Optional compensatory storage may be needed to fill on-site floodplain.
Appendix 1414(B)

DOLLARS OWED FOR REGIONAL DETENTION FACILITY - PHASE II  
(2003 cost $29,062.74 per acres-foot @ 6% per annum is $36,037.80 per acre-foot for 2007 cost)  
10/12/2007 (Patel)

<table>
<thead>
<tr>
<th>PROPERTY NUMBER</th>
<th>PROPERTY OWNER</th>
<th>PARCEL SIZE (ACRES)</th>
<th>REQUIRED ACRE-FEET DETENTION</th>
<th>DOLLARS FOR DETENTION</th>
<th>REQUIRED ACRE-FEET COMP STORAGE</th>
<th>DOLLARS FOR REQUIRED COMP STORAGE</th>
<th>OPTIONAL ACRE-FEET COMP STORAGE</th>
<th>DOLLARS FOR OPTIONAL COMP STORAGE</th>
<th>TOTAL DOLLARS BASED ON 2003 COST</th>
<th>TOTAL DOLLARS BASED ON 2007 COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-24-200-004</td>
<td>Allyn BronK</td>
<td>40</td>
<td>14.4</td>
<td>$418,503.46</td>
<td>33</td>
<td>$959,070.42</td>
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<td>$43,594.11</td>
<td>$1,421,167.99</td>
<td>$1,762,248.30</td>
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<td>01-24-200-003</td>
<td>Deborah Larson</td>
<td>80</td>
<td>28.8</td>
<td>$837,006.91</td>
<td>160</td>
<td>$4,650,038.40</td>
<td>6</td>
<td>$174,376.44</td>
<td>$5,661,421.75</td>
<td>$7,020,162.97</td>
</tr>
<tr>
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<td>Allyn &amp; June Bronk</td>
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NOTES:  
1) ALL NUMBERS ARE ± .  
2) PARCEL SIZE INCLUDES ONLY THAT PART OF THE PARCEL THAT DRAINS TO THAT PHASE OF THE REGIONAL PROJECT.  
3) ACRE-FEET OF REQUIRED DETENTION ASSUMES 0.36 ACRE-FEET PER 1 ACRE OF REQUIRED DETENTION.  
4) OPTIONAL COMP STORAGE AS SHOWN CALCULATED AT 1 TO 1.5 RATION  
5) REQUIRED COMPENSATORY STORAGE ALREADY PROVIDED. OPTIONAL COMPENSATORY STORAGE MAY BE NEEDED TO FILL ON-SITE FLOODPLAIN.
Section 33-1415. Stormwater Management User Fee. A monthly stormwater management maintenance charge of $2.00 shall be assessed for each residential, commercial or industrial user. (Ordinance 08-038, 04.22.08)

Section 33-1416. Billing and Payment. Monthly statements for the stormwater management maintenance fee shall be mailed to each customer with the customer's wastewater treatment bill. If such statement remains unpaid twenty (20) days following the day of mailing of statement, there shall be added to such statement a penalty in the amount of five percent (5%) of the amount due. The penalty date and the total amount due thereafter shall be separately listed on such statement. (Ordinance 03-045, 04.22.03)

Section 33-1417. Delinquent Accounts. All statements, including penalties, still remaining unpaid twenty-five days following the penalty date as established in Section 33-1416 shall be deemed and are hereby declared to be delinquent, as provided by law. Delinquency in the payment of the stormwater management maintenance charge shall result in the cessation of Village utility services to the property. (Ordinance 03-045, 04.22.03)

Section 33-1418. Shutting Off Water. (Amended in its entirety by Ordinance 03-045, 04.22.03) Immediately upon the delinquency of a statement for the stormwater management maintenance charge, the Director of Finance or his designee shall so notify the customer prior to termination of Village utility services. Said notice of termination shall include the proposed date of termination and a brief description of the procedure for challenging the termination as hereinafter set forth.

(A) The Director of Finance or his designee shall send notice to the customer prior to termination of service. Said notice of termination shall set forth the proposed date of termination and notify the customer that he has ten (10) days within which to challenge termination of service as being unjustified by written notice to the Director of Finance.

(B) The Director of Finance or his designee, upon receipt of a customer's challenge to termination of service, shall schedule a hearing on the challenge. The Director or his designee shall hold the hearing and render a final decision thereon. The customer may be present at the hearing with counsel, may cross-examine witnesses, may offer witnesses and evidence, and may present defenses to the termination. All testimony shall be taken under oath.

(C) In the event a decision to terminate service is rendered, the customer may appeal said decision to the Director of Public Works based upon the record at the hearing, and said Director shall render
(D) The Director of Public Works shall have the power to terminate service after compliance with the foregoing provisions of this Section.

(E) Village utilities shall not be restored until all arrearage owed to the Village, together with any respective penalties, shall have been paid, or a schedule of payments shall have been approved by the Director of Finance, in his sole discretion. There shall be paid, prior to renewal of water service, after disconnection by the Director of Public Works for delinquency or at the request of the user, a charge of ten dollars ($10.00) to cover the administrative cost.

Section 33-1419. Lien on Real Estate. (Amended in its entirety by Ordinance 03-045, 04.22.03) Delinquent user charges shall be a lien on the premises, as provided by law. Whenever a statement for such service remains unpaid sixty (60) days after it has been rendered, the Village Collector may file with the Recorder of Deeds of Will or DuPage County a notice of the lien claim. This notice shall contain the legal description of the premises served, the amount of the unpaid statement, and an assertion that the Village claims a lien for this amount as well as for the amount of all charges subsequent to the period covered by this statement.

If the consumer or user whose statement is unpaid is not the owner of the premises in question, the Village Collector shall send to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number, (a) a copy of each delinquency notice sent to the person who is delinquent in paying the charges or rates or other notice sufficient to inform the owner or owners of record, as referenced by the taxpayer's identification number, that the charges or rates have become delinquent and (b) a notice that unpaid charges or rates may create a lien on the real estate under this Section.

Section 33-1420. Foreclosure of Lien. (Amended in its entirety by Ordinance 03-045, 04.22.03) Real estate subject to a lien for unpaid, delinquent stormwater management maintenance charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay such charges or rentals, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosures shall be made in equity in the name of the Village.

The Village Attorney is hereby authorized and directed to institute such proceedings, in the name of the Village, in any court of competent jurisdiction, against any real estate as above provided.
**Section 33-1421. Penalties.** In addition to the remedies hereinabove provided for failure to pay the stormwater management maintenance charges on a timely basis, any person violating any of the provisions of this Article shall be subject to a fine for each such violation in an amount not less than $200.00 nor more than $1,000.00, and each day that the violation continues shall be considered a separate offense.

(Ordinance 03-045, 04.22.03)

**Section 1422. Will County Stormwater Management Ordinance Adopted.** (Adopted by Ordinance 03-169, 12.16.03) The Will County Stormwater Management Ordinance ("WCSMO"), as approved by Will County Resolution Nos. 02-441 and 02-495 and as hereafter amended or modified, is hereby adopted and shall apply in all areas of the Village within Will County's jurisdiction. To the extent of any conflict between the regulations or provisions of this Article 14 and the WCSMO, the more stringent regulation or provision shall apply. Three (3) copies of the WCSMO shall be maintained on file in the office of the Village Clerk, as required by law.

From and after the effective date hereof, the Village shall require that any new annexation agreement shall contain a provision whereby every other party to the agreement affirmatively agrees to comply with the provisions of WCSMO, as amended from time to time.

The Village shall further be bound by the rules and procedures of the Committee by which certification is granted or revoked, and county jurisdiction is reasserted over the enforcement of WCSMO within the boundaries of the Village.

**Section 33-1423. Fee in Lieu of On-Site Detention.** (Added in its entirety by Ordinance 06-023, 02.28.06)

The Village Engineer may allow the payment of a fee in lieu of on-site detention to fulfill all or part of the on-site detention requirement for a redevelopment if the development meets the following two conditions:

(1) The stormwater runoff from the development does not cause an increase in flooding downstream of the development; and

(2) The development provides measures to ensure that the quality of stormwater runoff from the site is not reduced.

The fee shall be computed by calculating the volume of detention that would normally be required, and then multiplying by the unit cost of detention in the Village's most recently constructed regional storage facility. The Village Engineer may then adjust that cost to account for inflation and other variables.