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# **THE VILLAGE OF BLOOMINGDALE**

DUPAGE COUNTY, ILLINOIS

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## **ORDINANCE**

NUMBER 2022-46

**AN ORDINANCE AMENDING THE VILLAGE CODE OF BLOOMINGDALE, AS AMENDED, TITLE 10 (BUILDING AND DEVELOPMENT); CHAPTER 12 (STORMWATER MANAGEMENT AND FLOOD CONTROL); SECTION 1 (COUNTY REGULATIONS ADOPTED); SUBSECTION 1 (COUNTYWIDE STORMWATER AND FLOODPLAIN MANAGEMENT ORDINANCE) KNOWN HEREIN AS THE "COUNTYWIDE ORDINANCE"; TO ADOPT A COMPREHENSIVE AMENDMENT TO THE COUNTY OF DUPAGE COUNTYWIDE STORMWATER AND FLOODPLAIN ORDINANCE**

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FRANCO A. COLADIPIETRO, Mayor  
PAMELA S. HAGER, Village Clerk

VINCE ACKERMAN  
WILLIAM BELMONTE  
BILL BOLEN  
FRANK BUCARO  
PATRICK SHANNON  
JUDI VON HUBEN

Village Board

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Published in pamphlet form by authority of the  
President and the Board of Trustees of the Village of Bloomingdale  
on this the 14<sup>th</sup> day of November, 2022

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**WHEREAS**, the Village of Bloomingdale, DuPage County, Illinois (the "Village") is a home rule unit of local government under Article VII, Section 6 of the 1970 Illinois Constitution and, except as limited by such Section, it may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the County of DuPage (hereinafter the "County") pursuant to authority granted it under 55 ILCS 5/5-1062 and 55 ILCS 5/5-15001 et seq. and other applicable authority, originally adopted DuPage County Ordinance No. SMO-0001-91 - *DuPage County - Countywide Stormwater and Flood Plain Management Ordinance* (hereinafter the "Countywide Ordinance"), also being identified as Appendix F to the DuPage County Stormwater Management Plan (hereinafter the "Plan"), on September 24, 1991; and

**WHEREAS**, the DuPage County Board approved an amendment to the Countywide Ordinance pursuant to Ordinance SM-O-0047-22 entitled AMENDMENTS TO CHAPTER 15 OF THE DUPAGE COUNTY CODE - DUPAGE COUNTY COUNTYWIDE STORMWATER AND FLOOD PLAIN MANAGEMENT ORDINANCE on SEPTEMBER 13, 2022; and

**WHEREAS**, the Federal Emergency Management Agency ("FEMA") requires that, "all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level," (44 CFR 60.3.c.2); and

**WHEREAS**, The Community Rating System ("CRS") has implemented a Class 8 freeboard prerequisite for all participating and new CRS communities by changing Section 211 of the 2017 CRS Coordinator's Manual to read: "In order to be a Class 8 or better . . . (1) The community must meet all the Class 9 prerequisites. (2) The community must adopt and enforce at least a 1-foot freeboard requirement (including machinery and equipment) for all residential buildings constructed, substantially improved, and/or reconstructed due to substantial damage, throughout its Special Flood Hazard Area (SFHA) where base flood elevations have been determined on the Flood Insurance Rate Map (FIRM) or in the Flood Insurance Study (FIS), except those areas that receive open space credit under Activity 420 (Open Space Preservation)."; and

**WHEREAS**, the CRS Class 8 freeboard prerequisite includes all residential buildings, including manufactured homes; and

**WHEREAS**, the CRS Class 8 freeboard prerequisite affects Class 5 through Class 8 communities and the County must adopt Ordinance language that is consistent with the CRS Class 8 freeboard prerequisite to maintain its standing in the CRS as a Class 6 Community; and

**WHEREAS**, the attached Stormwater Ordinance text amendments reflects those changes to the Stormwater Ordinance necessary for the County to be compliant with FEMA requirements and with the CRS Class 8 freeboard prerequisite; and

**WHEREAS**, in order for the Village to maintain its participation in the National Flood Insurance Plan (NFIP) and status as a complete waiver community of DuPage County enforcement of the provisions of the Countywide Ordinance within its corporate limits as approved by DuPage County, the Board of Trustees is required by State Statutes to adopt certain provisions and standards contained within the Countywide Ordinance as the minimum provisions and standards effective within its territorial jurisdiction, although it may impose stricter provisions and standards; and

**WHEREAS**, State Statutes require that the Village take certain actions to adopt certain provisions and standards contained within the Countywide Ordinance as the minimum provisions and standards effective within its territorial jurisdiction and evidence those actions through the passage of an ordinance or resolution; and

**WHEREAS**, the Board of Trustees finds that adopting the applicable provisions and standards of the amendments to the Countywide Ordinance pursuant to Ordinance SM-O-0047-22 entitled AMENDMENTS TO CHAPTER 15 OF THE DUPAGE COUNTY COUNTYWIDE STORMWATER AND FLOOD PLAIN ORDINANCE on September 13, 2022, are in the best interest of the Village.

**NOW THEREFORE BE IT ORDAINED**, in open meeting assembled by the President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois, pursuant to the Village of Bloomingdale Home Rule Authority, as follows:

**Section One – Recitals**

The preamble provisions to this Ordinance are incorporated herein and made a part hereof.

**Section Two – Amendment to County Stormwater Ordinance**

Article 15-81.B.5 Manufactured Homes is hereby deleted in its entirety.

Three (3) copies of the countywide ordinance are on file in the office of the village clerk for public use and inspection, and available on-line at:

[http://www.dupageco.org/EDP/Stormwater\\_Management/1165/](http://www.dupageco.org/EDP/Stormwater_Management/1165/)

**Section Three – Authority and Direction**

The Village President is hereby authorized, empowered and directed to sign, and the Village Clerk to attest thereto, the Stormwater Ordinance Amendments as presented herein.

**Section Four – Effective Date**

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**Section Five – Conflict Clause**

All Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section Six – Saving Clause**

If any section, paragraph, clause or provision of this Ordinance is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of any other provisions of this Ordinance, which are hereby declared to be separable.

**Section Seven – Recording**


This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Bloomingdale.

***[Remainder of Page Intentionally Left Blank; Roll Call to Follow]***

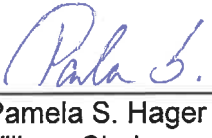
**DECIDED** pursuant to a roll call vote as follows:

|                                       | YES      | NO       | ABSENT   | PRESENT |
|---------------------------------------|----------|----------|----------|---------|
| Vince Ackerman                        | X        |          |          |         |
| William Belmonte                      | X        |          |          |         |
| Bill Bolen                            | X        |          |          |         |
| Frank Bucaro                          | X        |          |          |         |
| Patrick Shannon                       | X        |          |          |         |
| Judi Von Huben                        | X        |          |          |         |
| Franco A. Coladipietro (if necessary) |          |          |          |         |
| <b>TOTAL</b>                          | <b>6</b> | <b>0</b> | <b>0</b> |         |

**PASSED AND APPROVED** by the Village of Bloomingdale Board of Trustees on the 14<sup>th</sup> day of November, 2022.

  
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Franco A. Coladipietro  
Village President

ATTEST:

  
\_\_\_\_\_  
Pamela S. Hager  
Village Clerk