
THE VILLAGE OF BLOOMINGDALE
DUPAGE COUNTY, ILLINOIS

ORDINANCE
NUMBER 2019-25

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 AN AMENDMENT TO THE COUNTYWIDE ORDINANCE INCLUDING NEW FLOOD INSURANCE RATE MAPS (FIRM), FLOOD INSURANCE STUDY (FIS), AND BLOOMINGDALE AMENDMENTS (TITLE 10, CHAPTER 12, SECTION 1, SUBSECTION 5 TO THE STORMWATER ORDINANCE

FRANCO A. COLADIPIETRO, Mayor
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Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Bloomingdale
on this the 22nd day of July, 2019

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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 AN AMENDMENT TO THE COUNTYWIDE ORDINANCE INCLUDING NEW FLOOD INSURANCE RATE MAPS (FIRM), FLOOD INSURANCE STUDY (FIS) AND BLOOMINGDALE AMENDMENTS (TITLE 10, CHAPTER 12, SECTION 1, SUBSECTION 5) TO THE STORMWATER ORDINANCE

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-0028-19 entitled AMENDMENTS TO CHAPTER 15 OF THE DUPAGE COUNTY CODE - DUPAGE COUNTY COUNTYWIDE STORMWATER AND FLOOD PLAIN MANAGEMENT ORDINANCE on May 14, 2019; and

WHEREAS, the recently approved amendments to the Countywide Ordinance include new Flood Insurance Rate Map (FIRM) panels and Flood Insurance Study (FIS) with an effective date of August 1, 2019; and

WHEREAS, DuPage County worked closely with DuPage County stormwater stakeholders including: developers, engineering firms and conservation organizations; the Municipal Engineers Group; Federal and State agencies; and the DuPage Mayors and Managers Conference to develop the approved comprehensive amendments to the Countywide Ordinance; and

WHEREAS, prior to approval by the County Board, the proposed amendments to the Countywide Ordinance had undergone all required agency, public and community reviews, and public hearing in accordance with the requirements of State Statutes, Section 15-259 of the Countywide Ordinance, and the Plan; and

WHEREAS, the proposed amendments to the Countywide Ordinance provide the necessary structure to meet local, State, and Federal stormwater regulations while still remaining competitive in maintaining/attracting business, and preserving the high standard of flood control and environmental protection for all County residents; 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, Bloomingdale desires to establish uniform community wide maintenance practices for stormwater facilities, including but not limited to storm sewers, catchbasins and inlets, stormwater detention and retention basins, basin outlet control, basin embankments, sediment, erosion and debris control, swales for maintain proper stormwater drainage and water quality; and

WHEREAS, Bloomingdale desires to establish uniform rules, regulations and standards for management of stormwater runoff from residential properties addressing downspout and sump pump discharges; and

WHEREAS, Bloomingdale concurs with studies showing precipitation from severe storms is increasing in intensity and said severe storms are more frequent to such extent that planning future stormwater runoff control basins should be based on higher intensity storm events as published by the Illinois State Water Survey (ISWS); 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-0028-19 entitled AMENDMENTS TO CHAPTER 15 OF THE DUPAGE COUNTY CODE - DUPAGE COUNTY COUNTYWIDE STORMWATER AND FLOOD PLAIN ORDINANCE on May 14, 2019 and the Bloomingdale Amendments to the Stormwater Ordinance 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 Ordinance

Title 10 (Building And Development); Chapter 12 (Stormwater Management And Flood Control); Section 1 (County Regulations Adopted); Subsection 1 is hereby repealed in its entirety and replaced with the following:

10-12-1-1: COUNTYWIDE STORMWATER AND FLOOD PLAIN ORDINANCE (THE "COUNTYWIDE ORDINANCE"): All Articles, Appendices, Exhibits and Schedules of the DuPage County Countywide Stormwater And Flood Plain Ordinance adopted by the DuPage County Board May 14, 2019 pursuant to provisions of DuPage County Ordinance No. SM-O-0029-18, entitled "Amendments To Chapter 15 Of The DuPage County Code – DuPage County Countywide Stormwater And Flood Plain Ordinance", excepting Schedule A - Permit Fee Schedule are hereby adopted by reference as if fully set forth herein.

Bloomington Amendments to County Ordinance

Title 10 (Building And Development); Chapter 12 (Stormwater Management And Flood Control); Section 1 (County Regulations Adopted); new Subsection 5 (Bloomington Amendments to the Stormwater Ordinance) is hereby adopted as shown on Exhibit A attached hereto.

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/Regulatory_Services/54956/

The provisions of the countywide ordinance as codified in this chapter shall be effective upon publication by the Village, no later than August 1, 2019.

10-12-1-5: BLOOMINGDALE AMENDMENTS TO THE STORMWATER ORDINANCE (see attached Exhibit A).

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.

DECIDED pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman	X			X
William Belmonte			X	
Bill Bolen	X			X
Frank Bucaro	X			X
Patrick Shannon	X			X
Judi Von Huben	X			X
Franco A. Coladipietro (if necessary)			X	
TOTAL	5	0	2	5

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 22nd day of July, 2019.



Franco A. Coladipietro
Village President

ATTEST:



Jane E. Michelotti
Village Clerk

EXHIBIT A

10-12-1-5 Bloomingdale Amendments to the Stormwater Ordinance

The Village of Bloomingdale hereby amends and augments the Countywide Ordinance and is applicable to all areas incorporated into the Village of Bloomingdale.

10-12-1-5-1 Applicability. The Bloomingdale Amendments to the Stormwater Ordinance shall be applicable to all incorporated parcels within the Village of Bloomingdale as of the date of approval of this Amendment as well as any future parcels that annex to the Village, and shall override and supercede the Regulation dates in Article III Section 15-23.A and 15-23.B. All parcels in the Village shall be regulated by the Bloomingdale Amendments to the Stormwater Ordinance and no "grandfathering" is implied.

10-12-1-5-2 Site Storage Runoff. Paragraph 15-72.D.3 of the Countywide Ordinance shall be amended to add the following information pertaining to the Illinois State Water survey (ISWS) Bulletin 70 data. The data contained in ISWS Frequency Distributions of Heavy Precipitation in Illinois dated March 2019 shall be considered in stormwater calculations to determine the required storage volume for development. The design storm shall be the greater rainfall total from either the provisions of paragraph 15-72.D.3 or the data contained in the Updated Bulletin 70 publication dated March 2019. The higher rainfall totals from either publication shall be used to determine the required storage volume for the 100-year 24-hour event and other calculations related to the stormwater storage basin, storage volume and discharge rates. For the 100-year 24-hour storm event, a 15% additional storage volume requirement shall be added to the calculated storage volume requirement as a factor of safety.

10-12-1-5-3 Maintenance of Stormwater Facilities. Any owner of a parcel in the Village with a stormwater facility on said parcel has an incumbent duty to ensure the functionality of the stormwater facility is as intended at all times. The Bloomingdale Amendments to the Stormwater Ordinance hereby adopt maintenance provisions for stormwater facilities on any parcel in the Village. Section 15-55 of the Stormwater Ordinance, Long-Term Access for Maintenance and Inspections is amended to add the following provisions:

10-12-1-5-3A - Detention/Retention Basin Maintenance. Owners of any parcel with a stormwater storage detention basin or stormwater storage retention basin shall perform periodic maintenance to ensure the basin is functioning at all times as intended. Such required periodic maintenance and inspections shall address and include:

10-12-1-5-3A1 – Algae Control. Any owner of a parcel containing a retention basin shall have a plan for managing and controlling algae or other noxious or offensive aquatic vegetation. The plan can include chemical treatment, aeration/fountain mechanical methods, or combination thereof. The owner is responsible for obtaining all necessary permits and compliance with all regulations for algae control.

10-12-1-5-3A2 – Erosion. Any owner of a parcel containing a stormwater facility shall maintain stable ground surfaces to minimize soil erosion. Degraded surfaces, washouts, landslides, or other forms of erosion shall be permanently stabilized and repaired by the owner to prevent further erosion or reduction in water quality.

10-12-1-5-3A3 - Influent pipe system consists of that part of the drainage system that collects runoff from the ground surface and conveys the storm water to a storm water detention or retention basin, or other downstream pipe system. The influent pipe system must be inspected on at least an annual basis or more frequently if necessary to check and verify proper operation. Inlet, catchbasin and manhole grates must be kept free of debris to permit water to enter the storm sewer system. Catchbasins collect and retain solid debris and should be cleaned on an annual basis, or at such frequency as needed based on the accumulation rate of debris collected. The storm pipe system must be kept in proper working condition, with pipe joint sections remaining soil tight. Open joints or disjointed pipes should be repaired to prevent sink holes. Said sink holes or other defects that allow for root intrusion, substances or materials other than water to enter the system must be repaired.

10-12-1-5-3A4 – Nuisance Wildlife. Any owner of a parcel containing a stormwater facility shall be responsible for controlling nuisance wildlife that can affect the performance or operation of the stormwater facility. Nuisance wildlife can affect stormwater systems by blocking the flow of water, damaging or destroying vegetation, affecting ground stabilization that results in erosion, degrading or contribute to poor water quality, elevate water levels above intended design level, or raise coliform levels in water. Such nuisance wildlife includes but is not limited to beavers, raccoons, skunks, possums, ducks, geese, groundhogs, hedgehogs, and otters.

10-12-1-5-3A5 – Outlet Control. A detention/retention basin includes outlet control (restrictor), structure housing the restrictor and storm sewer piping that controls the rate of flow out of the detention or retention basin and conveys the runoff downstream. The outlet control (restrictor) must be periodically checked for proper functionality. Weekly inspection of the restrictor is recommended to ensure that debris does not accumulate at the outlet control which could affect proper operation of the basin drainage. Storm sewer pipes or other conveyance system downstream of the outlet control should be checked to maintain proper functionality. Storm sewers or swales should be kept free of debris and cleaned as necessary to allow free flow of water.

10-12-1-5-3A6 – Silt and Sediment Removal. Any owner of a parcel containing a stormwater facility shall be responsible for removing any silt, sediment or other debris which accumulates in a detention or retention basin. Frequency of said maintenance shall be as needed to maintain the required storage volume and water quality. Dredging of the basin, when necessary, shall be performed by the owner to remove and dispose of long-term silt, sediment and debris build-up.

10-12-1-5-3A7 – Storage Volume. The basin storage volume shall not be filled or otherwise altered without prior written authorization from the Village Engineer.

10-12-1-5-3A8 – Vegetation. The detention basin bottom, and detention and retention basin embankments shall be free of bare, exposed ground that is devoid of a manicured, vegetated crop cover. In highly visible areas, the vegetation should be mowed turf-grass, unless otherwise shown on approved drawings or stormwater submittal to have a native vegetation plant cover or other landscape elements. Invasive species are unsightly, and can result in operational or maintenance difficulties with storage basins and must be controlled or managed to prevent their spread in the basin or to surrounding areas or parcels. The vegetated plant cover should control the growth of weeds to the greatest extent possible.

10-12-1-5-3B – Management of Runoff on Residential properties. All properties with residential zoning, or residential in character, shall conform to the following sections for managing runoff.

10-12-1-5-3B1 – Controlling Runoff Onto Sidewalks or Streets. The owner of any parcel is responsible for directing and controlling runoff from downspouts and sump pumps. Such runoff shall not result in a concentrated flow of water onto a public sidewalk or into a public street in such a manner that causes hazard to the paved surface, including but not limited to icing, stagnant or ponding water, algae growth, slippery or slick surfaces. Such flow from downspouts or sump pumps shall not be unnaturally concentrated and drained onto surrounding parcels including the public sidewalks or streets.

10-12-1-5-3B2 – Downspouts and Sump Pumps. The location and direction of the discharge of any sump pump, downspout or other piped discharge from parcel must be directed in such a manner that minimizes adverse impacts to surrounding properties. Drainage discharge for sump pump and downspouts should follow the Village Private Stormwater Discharge for Sump Pumps and Downspouts guidance, as amended from time to time by the Village Engineer. Unless permitted by the Village Engineer, downspouts and sump pumps should not be directed into any side yard resulting in a nuisance on the parcel or any surrounding parcel. Downspouts and sump pumps should not be extended in any manner that creates a nuisance or adversely impacts surrounding parcels, including the downstream sidewalks or roadway. Unless otherwise permitted by the Village Engineer in writing, all piped discharge from downspouts or sump pumps shall be either above or below grade and should drain on the surface of and across a minimum of twenty feet (20') of pervious ground surface prior to leaving the site or shall otherwise be mitigated.

10-12-1-5-3B3 – Drainage and Grading. The grading on a parcel shall conform to the original subdivision grading and drainage plan to the greatest extent practical. No grading changes resulting in drainage modifications on any parcel that affect any surrounding parcel, or upstream or downstream parcel shall not be altered in any way by any person without prior written authorization from the Village Engineer.

10-12-1-5-3B4 – General Drainage Regulations. Runoff across the ground surface flows naturally from the higher property, known as the dominant parcel, to a lower parcel, known as the servient parcel. The dominant parcel has an inherent advantage over the servient parcel based on the topography of the ground. The dominant parcel can drain runoff onto the servient parcel provided that, in the opinion of the Village Engineer, the runoff is not collected and concentrated unnaturally, or generated by mechanical means, or unreasonably accelerated to the servient parcel. The servient



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parcel must allow the runoff from the dominant parcel to enter the servient parcel and the servient parcel cannot block or prevent the natural flow of water from the dominant parcel. The servient parcel is responsible for conveying the runoff from the dominant parcel across the lower ground.

10-12-1-5-4 – Easements and Access. Where a stormwater facility is located within an easement or public utility and drainage easement or stormwater management easement or other easement granted to the Village, the following provisions shall apply:

1. No permanent buildings or accessory structures shall be placed on said easement, but the easement may be used for shrubs, landscaping and other purposes that do not then or later interfere with the stormwater facility. The Village Engineer reserves the right to allow or permit in writing accessory structures, including but not limited to decks, sheds, patios, retaining walls, jungle gyms, or other accessory structures, if in his sole opinion the functionality of the stormwater facility and easement is not compromised by the proposed accessory structure.
2. Each owner shall be responsible for maintaining the stormwater facility and shall not destroy or modify grades or slopes without first receiving prior written approval from the Village Engineer.
3. In the event the owner fails to properly maintain the stormwater facility, the Village of Bloomingdale or any other unit of local government having jurisdiction over the drainage on the subject property, shall, upon ten (10) days written notice, have and reserve the right but not the obligation to perform or have performed on its behalf any maintenance work to or upon the stormwater facility reasonably necessary to insure adequate stormwater management, water storage detention or retention, free flow of water through any stormwater facility including outlet control works. In the event of an emergency or imminent hazard to persons or property in the opinion of the Village Engineer, the ten (10) day written notice requirement is hereby waived.
4. In the event the Village of Bloomingdale, Illinois or any other unit of local government having jurisdiction over drainage on the parcel shall be required to perform or have performed on its behalf, any maintenance work to or upon the stormwater facility, the cost together with the additional sum of ten

percent and upon recordation of a notice of lien within sixty (60) days of completion of the work shall constitute a lien against all the applicable parcels, which may be foreclosed by any action brought by or on behalf of the Village of Bloomingdale, Illinois.

10-12-1-5-5 – Notice of Violation

- A. Whenever the Village Engineer discovers, finds, determines or reasonably suspects that a person has violated a provision of the Bloomingdale Amendments to the Stormwater Ordinance, the Village Engineer may, by written notice of violation to the responsible person or persons and by posting a copy of said notice of violation on the subject premises, order compliance.
- B. Such Notice of Violation ordering compliance may require without limitation:
 - a. The suspension of activities causing malfunction of the stormwater systems included in the amendments; and
 - b. Repair or restoration of the stormwater systems included in the amendments to the satisfaction of the Village Engineer; and
 - c. Payment of fines, fees, permit costs required for the abatement and remediation; and
 - d. Other reasonable actions, orders, provisions or requirements intended to protect the public health, welfare and the environment.
- C. In the case of an emergency requiring immediate remediation to cure an imminent hazard to persons or property in the opinion of the Village Engineer, the Village may forego the notice requirements of section 10-12-1-5-4 and 10-12-1-5-5 and shall perform or cause to be performed such work to cure the hazard. The Village reserves the right to recover such costs as contained herein, per section 10-12-1-5-4.

10-12-1-5-6 Variances. Provisions of Article XVI of the Stormwater Ordinance shall not be applicable to the Bloomingdale Amendments to the Stormwater Ordinance. Variances to the Stormwater Ordinance must follow the procedures contained therein. Any variance to the Bloomingdale Amendments to the Stormwater Ordinance shall be processed by the following procedure.

- A. **Request for Variance.** Any person requesting a variance from one or more of the provisions of the Bloomingdale Amendments to the Stormwater Ordinance must do so in writing to the Village Engineer. The request shall identify each provision

of this chapter from which a variance is requested and the reasons why a variance should be granted.

- B. Authority to Grant Variances. The Village Engineer shall decide, in his sole discretion, whether a variance is authorized for each provision of the Bloomingdale Amendments to the Stormwater Ordinance identified in the variance request on an individual basis.
- C. Conditions. The Village Engineer may authorize a variance only if the person requesting the variance demonstrates that:
 - a. There will be no violation of any federal, state, or local regulation; and
 - b. The approval of the variance will not cause or result in hazards or potential hazards to persons or property; and
 - c. The approval of the variance will not have an adverse impact due to stormwater runoff on any stormwater facility, or adjacent properties including any right-of-way.
- D. Appeals: Any person aggrieved by any order, requirement, decision or determination, including denial of a variance made by the Village Engineer under the provisions of Title 10 Chapter 12 Section 1-5 shall have the right to appeal to the Village Administrator. The application for appeal shall be submitted in writing to the Village Clerk within thirty (30) days after the date of such order, requirement, decision or determination of the Village Engineer. In the event the Village Administrator's decision is to overturn or overrule the Village Engineer, a written determination shall be issued within fifteen (15) days of the receipt of the appeal request. If the decision is not overturned or overruled in writing by the Village Administrator, or no written determination is issued, then the decision of the Village Engineer will stand.

10-12-1-5-7 Penalties. Any person, firm or corporation violating the terms and provisions of the Bloomingdale Amendments to the Stormwater Ordinance shall be liable for a penalty in the amount of one hundred percent (100%) of any unpaid fee and, in addition, shall be punishable as provided in section 1-4-1 of this Code.