

*Ordinance of the County Board  
Of  
Kankakee County, Illinois*

**RE: ADOPTION OF STORMWATER MANAGEMENT ORDINANCE**

**WHEREAS**, the U.S. Environmental Protection Agency initiated Phase II of the National Pollutant Discharge Elimination System (NPDES) effectuating requirements for communities located in defined urbanized areas, not covered by Phase I, and as defined by the U.S. Census Bureau, which in the County of Kankakee include the City of Kankakee, the Villages of Bradley, Bourbonnais, Aroma Park, and Sun River Terrace and portions of the Townships of Bourbonnais, Aroma, Ganeer, Limestone, Otto and Kankakee, and portions of unincorporated Kankakee County, and

**WHEREAS**, The Kankakee County Board authorized the Board Chairman to sign and submit a Stormwater Phase II Notice of Intent Application for General Permit For Discharges From Small Municipal Separate Storm Sewer Systems (MS4s) to the Illinois Environmental Protection Agency in its resolution #2003-08-12-863, said application being signed and submitted, and,

**WHEREAS**, The Stormwater Phase II Notice of Intent Application (MS4s) authorized, signed and submitted under County Resolution #2003-08-12-863 under its Best Management Practices (BMP) No. B.1 section of said application includes the development of an ordinance and formulation of a Storm Water Management taskforce, and

**WHEREAS**, at the County Board at its regularly scheduled meeting of May 11, 2004, by its resolution # 2004-05-11-99 created the Storm Water Technical Advisory Committee (STAC), and to consist of volunteers from the community to be responsible for the development of the model Storm Water Drainage Ordinance which will forward their advisory recommendation(s) to the Kankakee Regional Planning Commission, and

**WHEREAS**, there has been state legislation specifically affecting the authority of Kankakee County to act on stormwater management issues, Public Act 094-0675 ( 55 ILCS 5/5-1062.2) effective August 23, 2005, and

**WHEREAS**, the Stormwater Technical Advisory Committee has recommended a draft of a model stormwater management ordinance for Kankakee County, which requires each individual unit of local government to determine administration and enforcement issues, and

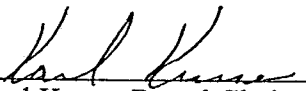
WHEREAS, the Kankakee Regional Planning Commission, at its regularly scheduled meeting of January 24, 2006, authorized the Regional Planning Land Use Committee to forward the proposed Model Stormwater Management Ordinance, with a recommendation for approval, to the County PZA Committee, and the Regional Planning Land Use Committee recommended approval of the Model Stormwater Management Ordinance, at its meeting of February 9, 2006, and forwarded said recommendation to the PZA Committee, and

WHEREAS, the Planning, Zoning and Agriculture Committee (PZA) at its regularly scheduled meeting of February 28, 2006, voted to create an Ad Hoc Subcommittee of Committee Members to make recommendations for administration and enforcement issues in the proposed county model stormwater ordinance and as to recommendations regarding the possible implementation of new legislation, 55 ILCS 1062.2, and the Board Chairman has appointed County Board Members of the PZA Committee to the said AD-HOC subcommittee, which reported to the PZA Committee, and


WHEREAS, the Planning, Zoning and Agriculture Committee, at its regularly scheduled meeting of March 28, 2006, after review, discussion and consideration accepted the findings and recommendations of the Stormwater Technical Advisory Committee and the AD- HOC subcommittee and recommended that the Kankakee County Stormwater Management Ordinance, as attached herein, be passed and made a part of the Kankakee County Code.

**NOW THEREFORE BE IT ORDAINED BY** the Kankakee County Board, after review, discussion and consideration, that the findings and recommendations of the Stormwater Technical Advisory Committee (STAC), the Ad Hoc Subcommittee and the Planning, Zoning and Agriculture Committee are hereby accepted and adopted, and the Kankakee County Stormwater Management Ordinance, as attached hereto, is hereby adopted and passed as an Ordinance of the Kankakee County Code, to become effective August 1, 2006.

ADOPTED and Passed this 11<sup>th</sup> day of April, 2006.

  
Karl Kruse, Board Chairman

ATTEST:

  
Bruce Clark, County Clerk

**MODEL STORMWATER ORDINANCE  
FOR  
KANKAKEE COUNTY, ILLINOIS**

**Final Draft  
April 2006**

## **Storm Water Technical Advisory Committee**

<b>Cindy Ryan, Chair</b>	<b>Village of Bonfield</b>
<b>Bob Gotkowski, Vice-Chair</b>	<b>NRCS</b>
<b>David Tyson, P.E.</b>	<b>Tyson Engineering</b>
<b>Rich Howell</b>	<b>Kankakee County Soil and Water Conservation District</b>
<b>Mike Gingerich, P.E.</b>	<b>M. Gingerich, Gereaux, and Associates</b>
<b>Ron Kinsinger</b>	<b>Kankakee County Homebuilders Association</b>
<b>Jerry Leonard</b>	<b>NRCS</b>
<b>Mark Rogers, P.E.</b>	<b>Kankakee County Highway Department</b>
<b>Mike Murray</b>	<b>Rockville Township</b>
<b>J.R. Black</b>	<b>Kankakee River Partnership</b>
<b>Mike Bossert</b>	<b>Limestone Township</b>
<b>Wayne Zatkalik</b>	<b>Village of Grant Park</b>
<b>Mike Spilsbury</b>	<b>Kankakee Valley Construction Co.</b>
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<b>Bob Voss</b>	<b>Village of Herscher</b>

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**TABLE OF CONTENTS**

	Page
<b>SECTION ONE – GENERAL PROVISIONS</b> .....	1
<b>Article I. – Authority, Purpose, Abbreviations &amp; Definitions</b> .....	1
A. Introduction.....	1
B. Authority .....	1
C. Purposes .....	3
D. Abbreviations.....	3
E. Definitions.....	3
<b>Article II. – Prohibited Actions</b> .....	15
A. Surface Water.....	15
B. Easements .....	15
C. Obstruction of Watercourse .....	15
D. Discharge .....	15
E. Exempted Discharges.....	16
F. Contaminated Discharge.....	16
G. Line Connect.....	16
H. Interference .....	16
<b>Article III. – Requirements for Certain Discharges</b> .....	17
A. Private Drainage System Maintenance .....	17
B. Cleaning of Paved Surfaces Required.....	17
C. Mobile Commercial Cosmetic Cleaning Operations .....	17
D. Maintenance of Equipment.....	17
E. Materials Storage .....	17
F. Pet Waste .....	17
G. Pesticides, Herbicides, Insecticides, Fungicides and Fertilizers.....	17
H. Prohibition on Use of Pesticides, Herbicides, Insecticides, and Fungicides Banned from Manufacture .....	17
I. Open Drainage Channel Maintenance .....	18
J. Release Reporting and Cleanup.....	18
K. Authorization to Adopt and Impose Best Management Practices .....	18
<b>Article IV. – Inspections and Plan Modifications</b> .....	19
A. Inspections .....	19
B. Special Precautions .....	19
C. Amendment of Plans.....	20
<b>Article V. – Responsibility</b> .....	21
A. Applicant.....	21
B. Jurisdiction.....	21
<b>Article VI. – Maintenance of Drainage Facilities</b> .....	22

## TABLE OF CONTENTS (Continued)

	Page
<b>Section One Continued</b>	
<b>Article VII. – Enforcement</b> .....	23
A. Procedures for Receipt and Consideration of Information by the Public .....	23
B. Right of Entry and Sampling .....	23
C. Notice of Violation .....	23
D. Action without Prior Notice.....	24
E. Enforcement Actions .....	24
F. Criminal Penalties .....	25
G. Other Legal Action .....	25
H. Abrogation and Greater Restrictions .....	25
I. Separability .....	25
 <b>Article VIII. – Implementation</b> .....	 26
A. Subdivision Improvements .....	26
B. Non-Subdivision Improvements Requiring a Building Permit.....	26
C. Improvements that Previously Did Not Require a Permit .....	26
 <b>Article IX. – Variances and Appeals</b> .....	 27
A. Variances.....	27
B. Appeals .....	28
 <b>SECTION TWO – CONSTRUCTION SITE RUNOFF CONTROL</b> .....	 29
 <b>Article I. – General Requirements for All Construction Sites</b> .....	 29
A. Responsible Entity .....	29
B. Waste Disposal.....	29
C. Ready-Mixed Concrete .....	29
D. Soil Erosion and Sediment Control .....	29
E. Continued Compliance.....	29
F. Rights Reserved .....	29
 <b>Article II. – Grading and Drainage Permit Requirements</b> .....	 31
A. Permit Exceptions .....	31
B. Class 1 Grading and Drainage Permit.....	31
C. Class 1 Grading and Drainage Permit Application Forms.....	32
D. Class 2 Grading and Drainage Permit.....	32
E. Application Form .....	33
F. Submittal, Review, Approval, and Periodic Visits .....	36
G. Other Agency Permits and Reviews .....	37
H. Permit Limitations .....	40
I. Revocation of Permits.....	40
I. Retention of Plans .....	41

## TABLE OF CONTENTS (Continued)

	Page
<b>SECTION THREE – POST CONSTRUCTION RUNOFF CONTROL</b> .....	42
<b>Article I. – Best Management Practices Hierarchy</b> .....	42
A. Preserving Regulatory Floodplains, Flood Prone and Wetland Areas .....	42
B. Minimizing Impervious Surfaces on the Property .....	42
C. Utilizing Storm Water Wetlands, Grassed Swales and Vegetated Filter Strips .....	42
D. Infiltrating Runoff On-Site .....	42
E. Providing Stormwater Retention Facilities .....	42
F. Providing Wet Bottom or Wetland Detention Facilities.....	42
G. Providing Dry Detention Facilities .....	42
H. Constructing Storm Sewers.....	42
I. Protecting Water Quality through Multiple Uses .....	42
<b>Article II. – Hydrologic Design Criteria</b> .....	43
A. Release Rates .....	43
B. Storm Drainage System Design and Evaluation.....	43
C. Design Methodology.....	43
D. Positive Drainage.....	43
E. Freeboard .....	43
F. Methods for Generating Runoff Hydrographs.....	43
G. Culvert, Road and Driveway Crossings.....	44
H. Vegetated Filter Strips and Swales .....	44
I. Maintenance Considerations .....	45
J. Provisions for Agricultural Drainage.....	45
K. Channel Modifications.....	47
<b>Article III. – Design Standards</b> .....	48
A. Referenced Standards.....	48
B. Detention Storage Requirements .....	48
C. Waiver of Requirements .....	48
D. Ownership .....	49
E. Maintenance and Repair Responsibilities.....	49
F. General Basin Design Requirements .....	49
G. Wet Bottom Detention Basin.....	53
H. Wetland Detention Basin Design.....	54
I. Dry Detention Basin Design .....	55
J. On-Stream Detention .....	56
K. Protection of Wetlands, Rivers, Streams, Lakes, Ponds, and Depressional Storage Areas.	57
L. Parking Lot Detention.....	57
M. Rooftop Detention.....	58
N. Fee in Lieu of Detention .....	58
O. Cooperative Detention .....	58

## TABLE OF CONTENTS (Continued)

	Page
<b>SECTION FOUR – STORMWATER POLLUTION PREVENTION PLAN (SWP3).....</b>	<b>59</b>
A. General.....	59
B. Requirements for Utility Construction.....	59
C. Required Documentation.....	59
D. Applicability and Guidelines.....	60
E. Referenced Standards.....	60
F. General Erosion and Sediment Control Design Features.....	61
G. Materials and Construction Notes.....	62
H. Site Evaluations.....	62
I. Soil Grading and Drainage Plan Requirements.....	62
J. Site Development Requirements.....	64
<b>SECTION FIVE – FEES.....</b>	<b>66</b>
Appendix A	
Sample Letter of Credit and Performance Bond	
Appendix B	
Sample Covenants and Restrictions	
Appendix C	
Inspection Checklists	
Appendix D	
Typical Detention Basin Cross-Sections	
Appendix E	
Application Forms	
Appendix F	
Detention Volume vs. Percent Impervious Chart	

## SECTION ONE GENERAL PROVISIONS

### *Section One, Article I. – Authority, Purpose, Abbreviations & Definitions*

#### **A. Introduction**

These Regulations provide for the regulation of matters relative to the management of storm water within the jurisdiction and its extraterritorial jurisdiction to provide no adverse impact on neighboring property owners. Its provisions include, but are not limited to, regulating drainage installations and improvements, requiring the preservation and enhancement of certain natural environmental features, requiring the installation of drainage improvements in developments, regulating uses, maintenance, and activities in floodplains and flood hazard areas, requiring permits, payment of fees and assurances of completion, and providing for inspections and control of work. The requirements, standards and specifications herein provided, and as written and illustrated in the current technical manual, are in addition to any other applicable legal requirements.

#### **B. Authority**

1. This ordinance shall be known, and may be cited, as the Kankakee County Stormwater Management Ordinance.
2. Kankakee County adopts this ordinance pursuant to its authority to regulate stormwater management and govern the location, width, course, and release of all stormwater runoff channels, streams, and basins in the County, and in accordance with the Kankakee County Comprehensive Countywide Stormwater Management Plan. The statutory authority for this ordinance is contained in 55 ILCS 5/5-1041, 5-1042, 5-1043, 5-1049, 5-1062.2, 5-1063, 5-1104, 5-12003, 5-15001 *et seq.*, 415 ILCS 5/43, the Federal Water Pollution Control Act including Sec. 402(p) (commonly known as the Clean Water Act), the Federal Register, and other applicable authority, all as amended from time to time.
3. As applicable, the municipalities within the County may adopt and enforce this ordinance pursuant to 55 ILCS 5/5-1062.2, 65 ILCS 5/1-2-1, 11-12-12, 11-30-2, 11-30-8, and 615 ILCS 5/5, *et seq.*, including 5/18g.

#### **C. Purposes**

1. To maintain and improve the quality of water impacted by the storm drainage system within the jurisdiction.
2. To promote and protect the public health, safety and general welfare of the citizens from the hazards of flooding.
3. To create a set of fair and consistent standards that will facilitate desirable and sustainable development.

4. To protect and conserve the natural resources.
5. To preserve property values by protecting new and existing buildings and improvements to buildings from damage due to stormwater flow.
6. To assure that new developments and redevelopments do not increase flood or drainage hazards to others, or create unstable conditions susceptible to erosion.
7. To preserve the natural characteristics of stream corridors in order to moderate flood and storm water impacts and to protect water quality.
8. To prevent the discharge of contaminated storm water runoff and illicit discharges from industrial, commercial, residential, and construction sites into the storm drainage system.
9. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the natural and man-made storm drainage system.
10. To encourage recycling of used motor oil and safe disposal of other hazardous consumer products.
11. To facilitate compliance with state and federal standards and permits by owners of construction sites within the jurisdiction.
12. To enable the jurisdiction to comply with all current federal and state laws and regulations applicable to the National Pollutant Discharge Elimination System (NPDES) permitting requirements for storm water discharges and prepare for future requirements.
13. To prevent additional disruption of the economy and governmental services due to stormwater and flood drainage.
14. To protect the public from the degradation of water quality on a watershed basis and enhance the quantity and quality of potable groundwater and surface water supplies.
15. To protect the quantity and quality of wetlands.
16. To require the design and evaluation of each site stormwater management plan to be consistent with watershed capacities.
17. To require regular, planned maintenance of stormwater management facilities.
18. To encourage cooperation and consistency in stormwater management activities between units of government having floodplain and stormwater jurisdiction.

19. To lessen the taxpayer's burden for flood related disasters, repairs to flood damaged public facilities and utilities, and flood rescue and relief operations.
20. To restrict development and building to facilities that will not adversely affect the potential for flood damage.
21. To require appropriate and adequate provision for site runoff control, especially when the land is developed with a large amount of impervious surface.

**D. Abbreviations**

The following abbreviations when used in this Ordinance shall have the designated meanings:

BMP	–	Best Management Practices
BFE	-	Base Flood Elevation
CFR	–	Code of Federal Regulations
CWA	-	Clean Water Act
FEMA	–	Federal Emergency Management Agency
FIRM	-	Flood Insurance Rate Map
HHW	–	Household Hazardous Waste
IDNR	-	Illinois Department of Natural Resources
IDPH	–	Illinois Department of Public Health
EPA	-	U.S. Environmental Protection Agency
IEPA	–	Illinois Environmental Protection Agency
MS4	–	Municipal Separate Storm Sewer System
NPDES	–	National Pollutant Discharge Elimination System
NRCS	–	Natural Resources Conservation Service (formerly SCS)
SCS	-	Soil Conservation Service (now NRCS)
SWCD	–	Soil and Water Conservation District
SWP3	–	Storm Water Pollution Prevention Plan
USACE	-	US Army Corps of Engineers
USDA	–	U.S. Department of Agriculture
USEPA	–	U.S. Environmental Protection Agency

**E. Definitions**

Unless a provision explicitly states otherwise, the following terms and phrases as used in this Ordinance, shall have the meanings hereinafter designated.

1. Adverse Impacts are any negative impact on plant, soil, air or water resources affecting quality and quantity and their beneficial uses including recreation, aesthetics and aquatic habitat.
2. Agricultural Practices are normal farming, silviculture and ranching activities such as gardening, plowing, seeding, cultivating, harvesting for the production of food, fiber, forest products, nursery stock and livestock. Maintenance of agricultural drain tiles, irrigation and drainage ditches, farm roads and other access areas for farm vehicles and equipment use

are also included. These practices shall not include grading, filling or draining floodprone areas with greater than 100 acres of tributary area or a regulatory wetland.

3. Applicant is 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 new development, additions or reconstruction of structures, or re-development from the jurisdiction.
4. Appropriate Official is the Kankakee County Planning Director or his/her designee.
5. Base Flood Elevation (BFE) is the elevation shown on the Flood Insurance Rate Map for Zone AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, that indicates the water surface elevation resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year.
6. Best Management Practices (BMPs) here refers to management practices and methods to control pollutants in stormwater. BMPs are of two types: “source controls” (nonstructural) and “treatment controls” (structural.) Source controls are practices that prevent pollution by reducing potential pollutants at their source, before they come into contact with stormwater. Treatment controls partially remove pollutants from stormwater. The selection, application and maintenance of BMPs must be sufficient to prevent or reduce the likelihood of pollutants entering the storm drainage system. Specific BMPs may be imposed by the jurisdiction and are discussed further in Section 3.
7. Buffer is an area of predominately vegetated land to be left open adjacent to channels, wetlands, lakes, ponds, or other surface waters for the purpose of eliminating or minimizing adverse effects to such areas, stabilizing banks, reducing contaminants, including sediments, in stormwater that flows to such areas.
8. Building Official is the officer or other designated authority charged with the administration and enforcement of the building codes and regulations.
9. Building Permit is a permit issued by the jurisdiction for the construction, erection or alteration of a structure or building and the related ground and surface preparation prior to and after completion of construction, erection or alteration of a structure or building.
10. Certify or Certification means formally attesting that the specific inspections and tests were performed, and that such inspections and tests comply with the applicable requirements of this Ordinance.
11. Channel is any defined river, stream, creek, brook, natural or artificial depression, ponded area, on-stream lake or impoundment, abandoned mine, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainageway, that has a definite bed and bank or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

12. Channel Modification is the alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, riprapping (or other armoring), filling, widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody rooted vegetation.
13. Clearing is any activity, which removes the natural vegetative ground cover.
14. Commercial means pertaining to any business, trade, industry, or other activity engaged in for profit.
15. Compensatory Storage shall be considered hydraulically equivalent when it maintains the existing storage capacity between the normal water level and ten-year high water level and between the ten year high water level and the 100-year high water level.
16. Conduit is any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.
17. Construction Site means any location where clearing, grading, excavation, filling, or other construction activity occurs.
18. Contaminated means containing harmful quantities of pollutants.
19. Contractor means any person or firm performing or managing construction work at a construction site, including any construction manager, general contractor or subcontractor. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical or landscaping contractors, and material suppliers delivering materials to the site.
20. Control Structure is a structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.
21. County is the County of Kankakee, Illinois.
22. Dam is defined by the IDNR.
23. Detention Basin is a facility constructed or modified to provide for the temporary storage of stormwater runoff and the controlled release of this runoff at a prescribed rate during and after a flood or storm.
24. Development is any manmade change to real estate or property, including:
  - a. The division or subdivision of any duly recorded parcel of property.
  - b. Construction, reconstruction or placement of a building or any addition to a building valued at more than one thousand dollars (\$1000).
  - c. 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 per year.

- d. Construction of roads, bridges, or similar projects.
  - e. Redevelopment of a site.
  - f. Filling, dredging, grading, clearing, excavating, paving drilling, mining or other non-agricultural disturbance of a ground surface.
  - g. Storage of materials or deposit of solid or liquid waste.
  - h. Any other activity that might alter the magnitude, frequency, direction, or velocity of stormwater flows from a property.
25. Discharge means any addition or releases of any pollutant, stormwater or any other substance whatsoever into storm drainage system.
26. Discharger means any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any owner of a construction site or industrial facility.
27. Domestic Sewage means untreated sewage originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks.
28. Drainage Plan is a plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, including grading, as well as proposed alterations or changes to the drainage system and environment of a property. The jurisdiction may require that a Drainage Plan include upstream and downstream (offsite) drainage features, if it is found that the development would be impacted by these offsite features.
29. Dry Bottom Detention Basin is a facility designed to drain after temporary storage of stormwater flows and to normally be dry between runoff events.
30. Earthwork means the disturbance of soils on a site associated with clearing, grading, or excavation activities.
31. Erosion is the general process whereby soil or earth is moved by rainfall, flowing water, wind or wave action.
32. Event is a short duration hydrologic occurrence, such as a period of rainfall or elevated streamflow, that is brief in duration allowing certain hydrologic components, such as evaporation and arrival times of rainfall, to be neglected. A storm event is normally limited to ten days or less.
33. Excavation is any act by which organic matter, earth, sand, gravel, rock or any other similar material, is cut into, dug, quarried, uncovered, removed, displaced, re-located or bulldozed and shall include the conditions resulting from such actions.
34. Facility means any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

35. Fertilizer means a substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.
36. Fill is 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.
37. Floodplain means those lands within the jurisdiction that are subject to inundation by the base flood. The floodplains of the jurisdiction are generally identified as such on the Flood Insurance Rate Maps of the jurisdiction prepared by FEMA.
38. Garbage means putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.
39. Grading is the excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.
40. Groundwater means any water residing below the surface of the ground or percolating into or out of the ground.
41. Harmful Quantity means the amount of any substance that the appropriate official determines will cause an adverse impact to storm drainage system or will contribute to the failure of the jurisdiction to meet the water quality based requirements of the NPDES permit for discharges from the regulated MS4.
42. Hazardous Substance means any substance listed in Table 302.4 of 40 CFR Part 302.
43. Hazardous Waste means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.
44. Household Hazardous Waste (HHW) means any material generated in a household (including single and multiple residences) that would be classified as hazardous pursuant to the Illinois EPA.
45. Hydraulically Equivalent is compensatory storage maintains the existing storage capacity between the normal water level and the ten-year high water level and between the ten year high water level and the 100-year high water level.
46. Hydrograph is a graph or tabulation showing for a given location on a stream or conduit, the flow rate with respect to time.
47. Hydrograph Method This method estimates runoff volume and runoff hydrographs for the points of interest by generating hydrographs for individual subareas, combining them, and

routing them through channels, floodplains, and reservoir structures. Factors such as rainfall depth and temporal distribution, rainfall abstractions, time of concentration, land use characteristics, storage volumes and travel time are included.

48. Illegal Discharge See “Illicit Discharge” below.
49. Illicit Connection means any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drainage system.
50. Illicit Discharge means any discharge to the storm drainage system that is prohibited under this Ordinance.
51. Impervious Surface is that area of property that is covered by materials other than soil and vegetation and that has no intended capacity to absorb stormwater or does not readily absorb or retain water, including but not limited to parking lots, roadways, driveways, sidewalks, patios, tennis courts, roofs and other structures.
52. Industrial Waste (or commercial waste) means any wastes produced as a by-product of any industrial, institutional or commercial process or operation, other than domestic sewage.
53. Infiltration is the passage or movement of water into the soil.
54. Jurisdiction means the jurisdiction of Kankakee County, IL.
55. Lot is an individual platted parcel in an approved subdivision.
56. Major Drainage System is that portion of a drainage system needed to store and convey flows beyond the capacity of the minor drainage system. Major Drainage System components include, but are not limited to, detention ponds, dams, roadway culverts, bridges, medium or large open channels, large (trunk) storm sewers and natural overland paths. Major Drainage System components are to be designed to safely convey the 100-year recurrence interval storm event.
57. Mechanical Fluid means any fluid used in the operation and maintenance of machinery, vehicles and any other equipment, including lubricants, antifreeze, petroleum products, oil and fuel.
58. Minor Drainage System is 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 to be designed to safely convey the 10-year recurrence interval storm discharge.
59. Mitigation is when the prescribed controls are not sufficient and additional measures are required to offset the development, including those measures necessary to minimize the negative effects which stormwater drainage and development activities might have on

the public health, safety and welfare. Examples of mitigation include, but are not limited to compensatory storage, soil erosion and sediment control, channel restoration and wetland creation, enhancement, and restoration.

60. Mobile Commercial Cosmetic Cleaning (or mobile washing) means power washing, steam cleaning, and any other method of mobile cosmetic cleaning, of vehicles and/or exterior surfaces, engaged in for commercial purposes or related to a commercial activity.
61. Municipal Separate Storm Sewer System (MS4) means the public system of conveyances, including roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins and ponds owned and operated by the jurisdiction and designed or used for collecting or conveying stormwater, and not used for collecting or conveying sanitary sewage.
62. Natural are conditions existing prior to agricultural development resulting from physical, chemical, and biological processes without intervention by man.
63. Natural Drainage consists of channels formed in the existing surface topography of the earth prior to or after changes made by unnatural causes.
64. National Pollutant Discharge Elimination System (NPDES) is the name of the surface water quality program authorized by Congress as part of the 1987 Clean Water Act. This is the EPA's program to control the discharge of pollutants to the waters of the United States (see 40 CFR 122.2 as amended).
65. NPDES Permit means a permit issued by the IEPA that authorizes the discharge of pollutants to Waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.
66. Notice of Violation means a written notice detailing any violations of this Ordinance and any action expected of the violators.
67. Oil means any kind of oil in any form, including, but not limited to: petroleum, fuel oil, crude oil, synthetic oil, motor oil, cooking oil, grease, sludge, oil refuse, and oil mixed with waste.
68. One Hundred-Year Event is a rainfall, runoff, or flood event having a one percent (1%) probability of being equaled or exceeded in any given year.
69. Owner means the person or entity who owns a facility, part of a facility, or land. This includes contiguous lots or parcels of land owned in part or whole by the same property owner.
70. Parcel is a contiguous lot or tract of land under single ownership. A lot or tract of land is land intended as a unit for the purpose of development or transfer of ownership.

71. Peak Flow is the maximum rate of stormwater flow, for a given storm event, at a given point in a channel or conduit.
72. Permittee is any person to whom a building permit or a grading and drainage permit is issued.
73. Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns, including all federal, state, and local governmental entities.
74. Pesticide means a substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest.
75. Pet Waste (or Animal Waste) means excrement and other waste from domestic animals.
76. Petroleum Product means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel or lubricant in a motor vehicle or aircraft, including motor oil, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.
77. Pollutant means any substance attributable to water pollution, including but not limited to rubbish, garbage, solid waste, litter, debris, yard waste, pesticides, herbicides, fertilizers, pet waste, animal waste, domestic sewage, industrial waste, sanitary sewage, wastewater, septic tank waste, mechanical fluid, oil, motor oil, used oil, grease, petroleum products, antifreeze, surfactants, solvents, detergents, cleaning agents, paint, heavy metals, toxins, household hazardous waste, small quantity generator waste, hazardous substances, hazardous waste, soil and sediment.
78. Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animal life, plant life, property, or public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.
79. Positive Drainage is provision for overland paths for all areas of a property including depressional areas that may also be drained by storm sewer.
80. Potable Water means water that has been treated to drinking water standards and is safe for human consumption.
81. Private Drainage System means all privately or publicly owned ground, surfaces, structures or systems, excluding the regulated MS4, that contribute to or convey stormwater, including but not limited to, roofs, gutters, downspouts, lawns, driveways, pavement, roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes,

tunnels, culverts, channels, detention basins, ponds, draws, swales, streams and any ground surface.

82. Release means to dump, spill, leak, pump, pour, emit, empty, inject, leach, dispose or otherwise introduce into the storm drainage system.
83. Retention Basin or Facility is a facility constructed or modified to store stormwater runoff without release except by means of infiltration and evaporation and without a positive flow outlet.
84. Rubbish means non-putrescible solid waste, excluding ashes, that consist of: (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).
85. Runoff is water derived from melting snow or rainfall within a tributary drainage basin that exceeds the infiltration capacity of the soils of that basin.
86. Sanitary Sewage means the domestic sewage and/or industrial waste that is discharged into the jurisdiction sanitary sewer system and passes through the sanitary sewer system to the jurisdiction sewage treatment plant for treatment.
87. Sanitary Sewer means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the jurisdiction sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).
88. Sediment means soil, sand, minerals, or other debris that has been disturbed or eroded and transported by water, wind, gravity, or tracked by equipment tires.
89. Sedimentation is the process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.
90. Septic Tank Waste means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and aerated tanks.
91. Shall means mandatory; may means discretionary.
92. Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.
93. Slope Disturbance Line is the line that delineates relatively level building areas from areas where slopes exceed 7 percent (7%) and where special precautions must be taken.

94. Small Quantity Generator Waste means any hazardous waste generated by a small quantity generator as defined by the IEPA.
95. Solid Waste means any garbage, rubbish, refuse and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, construction, mining or agricultural operations, and residential, community and institutional activities.
96. State means the State of Illinois.
97. Storm Drainage System means all surfaces, structures and systems that contribute to or convey stormwater, including private drainage systems, the MS4, surface water, groundwater, Waters of the State and Waters of the United States.
98. Storm Sewer is a closed conduit for conveying collected stormwater.
99. Stormwater means runoff resulting from precipitation and snowmelt.
100. Storm Water Pollution Prevention Plan (SWP3) means a document that describes the Best Management Practices to be implemented at a site, to prevent or reduce the discharge of pollutants.
101. Stream is any river, creek, brook, branch, flowage, ravine, or natural or man-made drainageway that has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.
102. Stripping is any activity that removes the vegetative surface cover including tree removal, by spraying or clearing, and storage or removal of topsoil.
103. Subdivision Development includes activities associated with the platting of any parcel of land into two or more lots and includes all construction activity taking place thereon.
104. Surface Water means water bodies and any water temporarily residing on the surface of the ground, including wetlands, lakes, reservoirs, rivers, ponds, streams, puddles, channelized flow and runoff.
105. Swale is a low lying or depressed area and often wet stretch of land that carries water mainly during rainstorms or snow melts by conveying stormwater from one point to another.
106. Time of Concentration is 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.
107. Two-Year Event is a runoff, rainfall, or flood event having a fifty percent (50%) probability of being equaled or exceeded in any given year.

108. Uncontaminated means not containing harmful quantities of pollutants.
109. Used Oil (or Used Motor Oil) means any oil that as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties.
110. Utility Agency means private utility companies, jurisdiction departments or contractors working for private utility companies or jurisdiction departments, engaged in the construction or maintenance of utility distribution lines and services, including water, sanitary sewer, storm sewer, electric, gas, telephone, television and communication services.
111. Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
112. Water of the State (or water) means any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the State or inside the jurisdiction of the State.
113. Waters of the United States means all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of “Waters of the United States” at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.
114. Watershed is all land area drained by, or contributing water to, the same channel, lake, marsh, stormwater facility, groundwater or depressional area.
115. Wet Bottom Detention Basin is a detention facility designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.
116. Wetland is an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, under normal conditions, a prevalence of vegetation adapted for life in saturated soil conditions.
117. Wetland Detention Basin is a detention facility designed with all or a portion of its bottom area as a wetland.

118. Yard Waste means leaves, grass clippings, tree limbs, brush, soil, rocks or debris that result from landscaping, gardening, yard maintenance or land clearing operations.

## **Section One, Article II – Prohibited Actions**

### **A. Surface Water**

Surface water shall be allowed to travel its existing or natural course unless changes are allowed by means of a Grading and Drainage Permit or grading and drainage plans approved by the appropriate official (70 ILCS 605/Sec. 1/Art. 2).

### **B. Easements**

No buildings or permanent structures, including impervious surfaces, may be placed wholly or in part within an easement that has been granted for drainage facilities of any type or access thereto, including agricultural drainage conduit, without the written approval of the appropriate official or easement holder; provided, however, streets, sidewalks and driveways may be allowed to cross easements by the shortest possible route, provided that other requirements are met.

### **C. Obstruction of Watercourse**

It shall be unlawful for any person to cause or maintain any obstruction within a watercourse or drainage facility of any type, except as may be specifically authorized by this Ordinance.

### **D. Discharge**

No person shall release or cause to be released into the storm drainage system any discharge that is not composed entirely of uncontaminated stormwater, except as allowed in listed exemptions of this Ordinance.

### **E. Exempted Discharges**

The following discharges are exempt from the regulations in this Ordinance:

1. Water line and fire hydrant flushing.
2. Landscape and lawn watering.
3. Rising ground waters.
4. Uncontaminated ground water exfiltration, infiltration, or seepage.
5. Uncontaminated pumped ground water.
6. Discharges from potable water sources (de-chlorinated or de minimus discharge only).
7. Uncontaminated foundation drains.
8. Air conditioning condensate.
9. Irrigation water (except for wastewater irrigation).
10. Springs and seeps.

11. Water from crawl space pumps.
12. Footing drains.
13. Water from individual car washing on properties zoned residential.
14. Routine external building wash-down which does not use detergents.
15. Natural flows from riparian habitats and wetlands.
16. De-chlorinated pH neutral swimming pool discharges.
17. Residual street wash water.
18. Discharges or flows from fire fighting activities.
19. De-chlorinated water reservoir discharges.
20. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed).

**F. Contaminated Discharge**

Notwithstanding the listed exemptions of this section, any discharge shall be prohibited by this Ordinance if the discharge in question has been determined by the appropriate authority to be contaminated by a harmful quantity of pollutants to the storm drainage system.

The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

**G. Line Connect**

No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system, or allow such a connection to continue.

**H. Interference**

No person shall interfere with Best Management Practices (BMPs) implemented pursuant to this Ordinance.

## **Section One, Article III. – Requirements For Certain Discharges**

### **A. Private Drainage System Maintenance**

The owner of any private drainage system shall maintain the system in accordance with applicable permits to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.

### **B. Cleaning of Paved Surfaces Required**

The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this Ordinance. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Ordinance. This section does not apply to pollutants discharged from construction activities, which are otherwise specified.

### **C. Mobile Commercial Cosmetic Cleaning Operations**

Mobile commercial cosmetic cleaning operations shall not discharge to the storm drainage system in violation of this Ordinance.

### **D. Maintenance of Equipment**

Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.

### **E. Materials Storage**

In addition to other requirements of this Ordinance, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.

### **F. Pet Waste**

Pet waste shall be disposed of as solid waste or sanitary sewage in a timely manner, to prevent discharge to the storm drainage system.

### **G. Pesticides, Herbicides, Insecticides, Fungicides and Fertilizers**

Pesticides, herbicides, insecticides, fungicides, and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. There shall be no excessive application.

### **H. Prohibition on Use of Pesticides, Herbicides, Insecticides and Fungicides Banned from Manufacture**

Use of any pesticide, herbicide, insecticide or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the U.S. or Illinois Environmental Protection Agency, or any Federal, State or jurisdiction regulation is prohibited.

**I. Open Drainage Channel Maintenance**

Every person owning or occupying property through which an open drainage channel passes shall keep and maintain that part of the drainage channel within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage channel. In addition, the owner or occupant shall maintain existing privately owned structures adjacent to a drainage channel, so that such structures will not become a hazard to the use, function, or physical integrity of the drainage channel. Physical modifications to the drainage channel, other than those necessary to remove debris and other obstacles, are prohibited without a Grading and Drainage Permit and the other applicable permits.

**J. Release Reporting and Cleanup**

Any person responsible for a known or suspected release of materials which are resulting in or may result in illegal discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release.

In the case of environmental emergencies involving oil or hazardous materials releases, fish kills caused by pollutants, or public water supplies immediately contact the Illinois EPA office of Emergency Response at (217) 782-7860 and the National Response Center at (800) 424-8802 or (202) 267-2675.

This is in addition to other legal reporting requirements. Hazardous waste releases shall be avoided.

**K. Authorization to Adopt and Impose Best Management Practices**

Kankakee County may adopt and impose requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMPs at their own expense.

## ***Section One, Article IV. – Inspections and Plan Modifications***

### **A. Inspections**

The Kankakee County Planning Director or his/her designee shall make periodic site visits and shall notify the Grading and Drainage Permit holder in the event that the work fails to comply with the requirements of this Ordinance. The notification of any deficiencies in the work or violations of this Ordinance shall be posted at the site and mailed to the owner of the site and permit holder by ordinary mail. Failure to issue a stop work order shall not be deemed consent by the jurisdiction to continue work nor acceptance of deficiencies nor violations.

The owner of the site shall notify the appropriate official:

1. Two (2) working days prior to the start of any land disturbing activities.
2. 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.
3. After stripping and clearing.
4. After rough grading.
5. After seeding and landscaping deadlines.
6. After final stabilization and landscaping and prior to removal of temporary sediment controls.

### **B. Special Precautions**

If at any stage of the grading of any development site the County Planning Director or his/her designee determines by site visit 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 County shall 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 Certified Professional in Erosion and Sediment Control (CPESC) or registered Professional Engineer which may be made requirements for further work.

On large developments or where unusual site conditions occur, the owner shall submit a schedule to be approved by the Planning Director or his/her designee that shall specify the starting and completion times of required activity or may require that the operations be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal conditions.

Where it appears that storm damage may result because the grading on any development site is not complete, work shall be stopped and the Grading and Drainage Permit holder required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety.

**C. Amendment of Plans**

Any significant amendments to grading plans or stormwater pollution prevention plans shall be submitted to the appropriate official of the jurisdiction and shall be processed and approved or disapproved in the same manner as the original plans. Any significant field modifications made without prior approval shall be a direct violation of this Ordinance.

## ***Section One, Article V. – Responsibility***

### **A. Applicant**

The applicant for a Grading and Drainage Permit shall not be relieved of any responsibility for damage to persons or property otherwise imposed by law.

### **B. Jurisdiction**

Kankakee County, the County Planning Director or his/her designee, or County agents, will not be made liable for such damage, by (1) the issuance of a Grading and Drainage Permit under this Ordinance, (2) compliance with the provisions of that Grading and Drainage Permit or conditions attached to it by the Planning Director or his/her designee (3) failure of the County to observe or recognize hazardous or unsightly conditions, (4) failure of County officials to recommend denial or to deny a Grading and Drainage Permit, (5) exemptions from Grading and Drainage Permit requirements of this Ordinance, or (6) failure to inspect.

Kankakee County shall take into account storm and flood hazards, to the extent they are known or can be determined, in all official actions related to land management, land use and land development or redevelopment as required in the floodplain ordinance of Kankakee County.

Kankakee County is not responsible for work stop/start, methods, or job safety.

## ***Section One, Article VI. – Maintenance of Drainage Facilities***

Kankakee County or other appropriate local unit of government will maintain those drainage facilities that are on public land and have been dedicated and accepted for maintenance or stipulated by agreement for maintenance by the jurisdiction. All other drainage facilities, when located on other than public property, shall be the responsibility of the owner of the property on which they exist or the owner of the drainage facility, regardless of whether or not dedicated easements exist over said facilities.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and appropriate quality assurance procedures.

Abandonment and alteration, either structural or operational, of all facilities and systems shall occur only following application and issuance of a permit.

Operation and maintenance checklists in Appendix C shall be used to determine maintenance needs.

## **Section One, Article VII. – Enforcement**

### **A. Procedures for Receipt and Consideration of Information by the Public**

Kankakee County shall establish and publicize procedures for receipt and consideration of information regarding non-compliance of provisions in this Ordinance.

### **B. Right of Entry and Sampling**

1. Whenever the Kankakee County Planning Director or his/her designee has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Ordinance, the said County official shall have the right to enter the premises at any reasonable time to determine if the discharger is complying with all requirements of this article. In the event that the owner or occupant refuses entry after a request to enter has been made, the jurisdiction is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.
2. The Planning Director or his/her designee shall have the right to set up on the property of any discharger to the storm drainage system such devices that are necessary to conduct sampling of discharges.

### **C. Notice of Violation**

Whenever an authorized enforcement person determines that a person has violated or failed to meet a requirement of this Ordinance, said County official will order compliance by written Notice of Violation to the responsible person and property owner. Posting the written notice on the property will constitute written notice. A copy of the Notice of Violation will be mailed by ordinary mail to the address of the responsible person and, if different than the responsible person, property owner according to the records of the Kankakee County Assessor's Office.

The Notice of Violation shall include:

1. The name of the responsible person and property owner.
2. The date and location of the violation.
3. A description of the violation.
4. Actions that must be taken by the responsible person to remedy the violation.
5. The deadline within which the required actions must be completed.
6. Enforcement actions that may be taken by the jurisdiction.
7. Notice date.
8. Any person receiving a Notice of Violation may file a written appeal the Notice to the appropriate official within fifteen (15) days of the Notice date. The Planning Director or

his/her designee will affirm, modify or rescind the Notice in writing, within 15 days of the date of the appeal. If the recipient of a Notice of Violation is dissatisfied with the outcome of the appeal to the appropriate official, the appeal process outlined in Section One, Article 9, of this Ordinance will be followed.

**D. Action without Notice of Violation**

Enforcement actions identified in this Ordinance can be made by Kankakee County when necessary to stop an actual or threatened discharge that presents or may present imminent danger to the environment or property or to the health or welfare of persons or to the storm drainage system.

**E. Enforcement Actions**

Any person who fails to comply with or appeal a Notice of Violation; or fails to comply with an appeal decision of the appropriate authority, will be subject to one or more of the following enforcement actions:

1. Stop Work Order. The Planning Director or his/her designee may issue a stop work order to the owner and contractors on a construction site, by posting the order at the construction site and distributing the order to all jurisdiction departments whose decisions may affect any activity at the site. Unless express written exception is made, the stop work order shall prohibit any further construction activity at the site and shall bar any further inspection or approval necessary to commence or continue construction or to assume occupancy at the site. A Notice of Violation shall accompany the stop work order, and shall define the compliance requirements.
2. Abatement of an Illicit Connection. The Planning Director or his/her designee may order jurisdiction representatives to terminate an illicit connection. Any expense related to such abatement by jurisdiction representatives shall be fully reimbursed by the property owner.
3. Abatement of a Violation on Private Property. When a property owner is not available, not able or not willing to correct a violation, the Planning Director or his/her designee may order County representatives or agents to enter private property to take any and all measures necessary to abate the violation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow Kankakee County representatives to enter upon the premises for these purposes. Any expense related to such abatement by County representatives shall be fully reimbursed by the property owner.
4. Recovery of Costs. Within thirty (30) days after abatement by jurisdiction representatives, the Planning Director or his/her designee shall notify the property owner of the costs of abatement, including administrative costs, and the deadline for payment. The property owner may appeal the recovery costs as outlined in Section One, Article 9 of this Ordinance.
5. Termination of Utility Services. After lawful notice to the customer and property owner concerning the proposed disconnection, the Planning Director or his/her designee shall have the authority to order the disconnection of jurisdiction water, sanitary sewer and/or sanitation services, upon a finding by the County that the disconnection of utility services

will remove a violation of this Ordinance that poses a public health hazard or environmental hazard.

6. Criminal Prosecution. Any person who violates or continues to violate a prohibition or requirement of this Ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to criminal penalties.

**F. Criminal Penalties**

Any person violating this Ordinance shall, upon an adjudication of guilt or a plea of no contest, be fined a maximum of \$1,000. Each separate day on which a violation is committed or continues shall constitute a separate offense.

Violations of this Ordinance by any person or entity shall be guilty of a petty offense.

**G. Other Legal Action**

Notwithstanding any other criminal or civil remedies or procedures available to the County, if any person violates this Ordinance, the Kankakee County States Attorney may commence an action for appropriate legal and equitable relief including damages and court costs. The States Attorney may seek an emergency preliminary or permanent injunction or both which restrains or compels the activities on the part of the discharger.

**H. Abrogation and Greater Restrictions**

This Ordinance is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. Where this Ordinance and other ordinance, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**I. Separability**

The provisions and sections of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

## **Section One, Article VIII. – Implementation**

This Ordinance is effective upon passage with the following exceptions:

### **A. Subdivision Improvements**

The requirements for obtaining a Grading and Drainage Permit are waived if the preliminary plat of a subdivision was approved by the appropriate authority prior to the passage of this Ordinance. All other requirements of the Ordinance shall remain in effect.

### **B. Non-Subdivision Improvements Requiring a Building Permit**

The requirements for obtaining a Grading and Drainage Permit for non-subdivision related improvements requiring a building are waived for the duration of the building permit if the building permit was issued prior to the passage of this Ordinance. All other requirements of the Ordinance shall remain in effect.

### **C. Improvements that Previously Did Not Require a Permit**

The requirements for obtaining a Grading and Drainage Permit for construction that did not require a permit prior to passage of this Ordinance are waived for a period of one (1) year if the construction commenced prior to the passage of this Ordinance. All other requirements of the Ordinance shall remain in effect.

## **Section One, Article IX. – Variances and Appeals**

Kankakee County, after a public hearing, may: 1) Determine and vary the requirements and regulations of this Ordinance in harmony with their general purpose and intent, where the appropriate entity makes written findings of fact in accordance with the standards herein after prescribed and further, find that there are practical difficulties or particular hardships in the way of carrying out the strict letter of requirements and regulations of this Ordinance and 2) Uphold, modify or overrule the decision of the Planning Director or his/her designee.

A written application for a variance from the requirements of this Ordinance or an appeal of a decision by the a County official shall be filed within thirty (30) days of the time when a reasonably prudent person should have become aware of the need or when owner, contractor, lessee, or operator was first made aware of the need for the variance or the decision of the appropriate official. The application shall fully state the grounds of the request and the facts relied upon by the applicant. Said application for a variance shall be verified by an Illinois Licensed Engineer. Each application shall be filed with the Planning Director or his/her designee or the Planning Department. The Planning Director or his/her designee will review and transmit recommendations to the appropriate entity, which shall review such recommendations prior to granting or denying the variance.

Minutes of the hearing process shall be recorded and written findings shall be made on each of the criteria and made public for all variance decisions, and shall be filed with the County Clerk. The costs of the hearing shall be born by the applicant.

### **A. Variances**

The County Board's Planning, Zoning, and Agriculture Committee shall not vary the requirements and regulations of this Ordinance unless evidence is presented that prove that:

1. The land in question is of such shape or size or is affected by such physical conditions or is subject to such title limitations or record, that it is impossible or impractical for the applicant to comply with all of the requirements of this Ordinance and
2. The granting of the variance will not be detrimental to the public welfare, environment or injurious to other property in the vicinity of the subject property and is unique to the subject site and not generally applicable to other properties in the County.
3. The Planning, Zoning, and Agriculture (PZA) Committee shall hold a public hearing on each application for variance within thirty (30) days after receipt of the application for a variance. The applicant of the variance shall notify all adjoining property owners by certified mail, return receipt requested, no later than five (5) prior to the hearing date. Said notice shall include contact information, the time, date, and place of the hearing, and reason for the variance request. The official has the authority to require additional property owners to be notified, if he/she deems it appropriate and necessary. Within thirty (30) days after the public hearing, the PZA Committee shall approve the variance with the conditions it deems necessary, disapprove the variance or take other such action as appropriate.

4. Post construction site peak runoff rate control for sites discharging directly to the Kankakee River are unnecessary because: (1) no adverse flooding impacts would potentially be created by increased peak runoff rates along the conveyance between the project site and the River and (2) increased peak runoff rates will not potentially contribute to adverse ecological impacts, including water quality degradation by either artificial or natural mechanisms or by stream erosion. This exemption does not relieve the property owner from constructing and maintaining a sediment trapping BMP following Illinois Urban Manual criteria during construction and a permanent detention facility meeting requirements in this Ordinance.

**B. Appeals**

Kankakee County shall consider each application for modification to the decision of the Planning Director or his/her designee at a public meeting within thirty (30) days after the appeal application is received by the County. Within thirty (30) days after the public meeting, PZA Committee shall uphold, modify or overrule the decision of the appropriate official.

## SECTION TWO CONSTRUCTION SITE RUNOFF CONTROL

### *Section Two, Article I. – General Requirements for All Construction Sites*

**A. Responsible Entity**

The owner of a site with construction activity meeting the requirements of a Grading and Drainage Permit shall be responsible for compliance with the requirements of this Ordinance.

**B. Waste Disposal**

Solid waste, industrial waste, yard waste and any other pollutants or waste on any construction site shall be controlled through the use of BMPs. Waste or recycling containers shall be provided and maintained by the owner or contractor on construction sites where there is the potential for release of waste. Uncontained waste that may blow, wash or otherwise be released from the site is prohibited.

**C. Ready-Mixed Concrete**

Ready-mixed concrete, or any materials resulting from the cleaning of vehicles or equipment containing or used in transporting or applying ready-mixed concrete, shall be contained on construction sites for proper disposal. Release of these materials to any elements of the storm drainage system is prohibited.

**D. Soil Erosion and Sediment Control**

Appropriate BMPs such as silt fences, diversions, sediment traps, or other appropriate sediment or runoff control measures shall be implemented to prevent the release of sediment from construction sites prior to the commencement of grading activities. Disturbed areas should be minimized, disturbed soil shall be protected and stabilized and construction entrances shall be managed to prevent sediment tracking onto adjacent roadways. Excessive sediment tracked onto public streets shall be removed immediately. Disturbed areas shall be stabilized with approved vegetative measures within fourteen (14) calendar days following the end of active disturbance or redisturbance. All temporary soil erosion and sediment control BMPs shall remain in place, and be fully maintained, until the establishment of permanent vegetation throughout the construction site at which time they shall be removed within thirty (30) days. Consideration shall be given to environmentally sensitive areas based on slope, soil type, vegetation and proximity to a water body.

**E. Continued Compliance**

Upon completion of permitted construction activity on any site, the property owner and subsequent property owners will be responsible for continued compliance with the requirements of this Ordinance, in the course of maintenance, reconstruction or any other construction activity on the site.

**F. Rights Reserved**

Kankakee County reserves the right to require any non-agricultural construction development activity, regardless of disturbed area or type of activity, to comply with this

Ordinance if it is determined to be the cause of or a contributor to an existing or potential erosion, sediment, or stormwater impact.

