

TITLE XV: LAND USAGE

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CHAPTER 150: BUILDING CODE

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GENERAL PROVISIONS

§ 150.001 TITLE.

This chapter shall be known and may be cited as the building code.
(Prior Code, § 150.01) (Ord. 145, passed 9-16-1974)

§ 150.002 PURPOSE.

The purpose of this chapter is to provide for the safety, health, and public welfare through structural strength and stability, means of egress, adequate light, and ventilation, and protection to life and property from fire and hazards incident to the design, construction, alteration, removal, or demolition of buildings and structures.
(Prior Code, § 150.02) (Ord. 145, passed 9-16-1974)

§ 150.003 APPLICATION.

The provisions of this chapter apply to the construction, alteration, repairs, equipment, use and occupancy, location, and maintenance of buildings and structures and to appurtenances such as vaults, areaways, and street encroachments, hereafter erected and, where expressly stated, to buildings and structures and equipment for the operation thereof hereafter moved or demolished in the municipality. The provisions of this chapter based on occupancy also apply to conversions of existing buildings and structures or portions thereof from 1 occupancy classification to another.
(Prior Code, § 150.03) (Ord. 145, passed 9-16-1974)

§ 150.004 ENFORCEMENT OF RESTRICTIVE LIMITATIONS.

Nothing in this chapter shall be construed to prevent the enforcement of other laws or ordinances which prescribed more restrictive limitations.
(Prior Code, § 150.04) (Ord. 145, passed 9-16-1974)

§ 150.005 CHANGE OF GRADE.

Nothing in this chapter shall prohibit the raising or lowering of a building, or structure, to meet a change of grade in the street on which it is located, provided the building or structure is not otherwise altered.
(Prior Code, § 150.05) (Ord. 145, passed 9-16-1974)

§ 150.006 UNLAWFUL MAINTENANCE OR OCCUPATION OF BUILDINGS.

It shall be unlawful to maintain, occupy, or use a building or structure, or part thereof, that has been erected or altered in violation of the provisions of this chapter, and no building or structure shall

be occupied unless it is in a safe and habitable condition as prescribed in this chapter. (Prior Code, § 150.06) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.007 MATERIALS; METHODS OF CONSTRUCTION.

Nothing in this chapter shall be construed to prevent the use of any material or method of construction whether or not specifically provided for in this chapter if upon presentation of plans, methods of analysis, test data, or other necessary information, to the village officials by the interested person or persons, the village officials are satisfied that the proposed materials or method of construction complies with specific provisions of or conforms to the intent of this chapter. (Prior Code, § 150.07) (Ord. 145, passed 9-16-1974)

§ 150.008 CERTIFICATE OF OCCUPANCY.

(A) No building hereafter erected shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the village officials certifying that the building conforms to the provisions of this chapter and to the zoning code.

(B) No building, hereafter enlarged or extended, or so altered, wholly or in part, as to change its classification and no building hereafter altered for which a certificate of occupancy has not been theretofore issued, shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the village officials certifying that the work for which the permit was issued has been completed in accordance with the provisions of this chapter; provided, that if the occupancy or use of the building was not discontinued during the work of alteration, the occupancy or use of the building shall not continue for more than 30 days after completion of the alteration unless the certificate shall have been issued.

(C) In addition to the certification as to compliance with the provisions of this chapter, the certificate of occupancy shall state the purposes for which the building may be used in its several parts, the maximum permissible live-loads on the several floors, the number of individual persons that may be accommodated in the several floors, in case the number is limited by a provision of law or by the permit, and all special stipulations of the permit, if any.

(D) Upon request of the holder of a permit, the village officials may issue a temporary certificate of occupancy for part of a building for a period not exceeding 6 months, provided that the temporary occupancy or use would not jeopardize life or property.

(E) A certificate of occupancy shall be issued within 5 days after written application therefor, if the building at the time of the application shall be entitled thereto. Prior to the issuance of a certificate of occupancy, the owner shall at his or her own cost and expense furnish to the village officials a certificate made by a structural engineer or architect licensed by the state that the building has been erected in accordance with the plans and specifications for the building, which plans and specifications had accompanied the application for the building permit, and further certifying that the building had been constructed in full compliance with all of the terms of this chapter; a copy of certificates of occupancy shall be furnished on request to persons having a proprietary interest in the building.

(F) Nothing in this chapter shall require the removal, alteration, or abandonment of nor prevent the continuance of the use and occupancy of a building lawfully existing at the effective date of this chapter, except as may be necessary for the safety of life and property. Upon written request from the owner, the village official shall issue a certificate of occupancy for an existing building certifying after verification by inspection, the occupancy or use of the building.

(G) No change of occupancy or use shall be made in a building hereafter erected or altered that is not consistent with the last issued certificate of occupancy for the building, unless a permit is secured. In case of an existing building, no change of occupancy that would bring it under some special provision of this chapter shall be made, unless the village officials find, upon inspection, that the building conforms substantially to the provisions of law with respect to the proposed new occupancy and use, and the official issues a certificate of occupancy therefor. The use of a building or premises shall not be deemed to have changed because of a temporary vacancy or change of ownership or tenancy. The reestablishment in a building, after a change of occupancy has been made, of a prior use that would not have been permitted in a new building of the same type of construction, is prohibited. The change from a specifically prohibited use to another specifically prohibited use shall not be made. (Prior Code, § 150.08) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.009 BUILDING INSPECTOR; DUTIES.

(A) The Office of Building Inspector is hereby created.

(B) The Building Inspector shall be appointed by the Village Administrator.

(C) The Building Inspector shall act upon the application for building permits and certificates of occupancy as prescribed by the ordinances of the village. He or she shall examine the premises for which building permits and certificates of occupancy have been issued and shall make the inspections necessary to see that the provisions of law and the ordinances of the village are complied with, and he or she shall enforce all laws and ordinances of the village relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location, and maintenance of buildings and structures.

(D) The Building Inspector shall keep careful and comprehensive records of applications, permits, and certificates issued, of inspections made and reports rendered, and shall retain and file copies of all the documents.

(E) The Building Inspector shall submit the reports and in the form as shall be required by the Village Administrator.
(Ord. 373, passed 9-25-1991)

(F) The Building Inspector, in the discharge of his or her duties, shall have authority to enter any building, structure, or premises at any reasonable hour where the work of construction, alteration, repair, removal, demolition, and equipment is going on, and he or she shall have the right to order all work stopped when the work is being done in violation of the ordinances of the village, and it shall be unlawful to continue the work after the issuance of the order. If the order is issued orally, it shall be followed by a written order within 1 hour, served upon the owners of the premises, architect, contractor, or person in charge of the work.

(G) The Building Inspector shall receive as compensation for his or her services the amount established by the village from time to time.
(Prior Code, § 150.09)

STANDARDS AND CODES

§ 150.020 ADOPTION OF CODES.

(A) Certain documents, known as the 2006 International Building Code, as amended, the 2006 International Residential Building Code, as amended, the 2006 International Mechanical Code, as amended, the most current edition of the Illinois Plumbing Code, as amended, the 2005 National Electrical Code, as amended, 2006 International Fire Code, 2006 Fuel Gas Code, and the 2006 International Property Maintenance Code, are hereby adopted by reference as the applicable minimum standards covering construction of commercial, industrial and dwelling structure within the Village of Forsyth, Illinois, together with all the regulations, provisions and terms contained therein except where superseded by state law or local ordinance amending the building code.

(Ord. 473, passed 4-15-1996; Am. Ord. 485, passed 10-7-1996; Am. Ord. 486, passed 10-7-1996; Am. Ord. 487, passed 10-7-1996; Am. Ord. 530, passed 5-15-2000; Am. Ord. 642, passed 12-20-2004; Am. Ord. 692, passed 10-16-2006)

(B) Whenever reference is made in this, or in other ordinances, or in the codes hereby adopted by reference to the Building Official or to the village officials, it shall mean and stand for the Mayor and Board of Trustees of the village, or for the individual or individuals designated by the Mayor and Board of Trustees, as the Building Official or Building Inspector, and wherever reference is made in any code adopted hereby to the provisions of any article or section thereof excluded from adoption by reference herein, the reference shall mean and stand for reference to the applicable provisions of the ordinances of the village, then in force applying to the particular subject matter of the reference.

(C) The provisions of those codes adopted are hereby amended to insert in lieu of the words “name of Municipality” wherever the same appears in bracket italics, the words “the village.”

(Ord. 145, passed 9-26-1974)

(Prior Code, § 150.20)

§ 150.021 TERMITE CONTROL.

In addition to the requirements of Ord. 642 of 2003, International Building Code, for the protection of structures against subterranean termites, a continuous metal shield with solid joints shall be provided over foundation walls, piers, and on pipes to prevent termites from gaining access to the structure. The shields shall be formed of corrosion resistant material firmly inserted in the masonry, or between the foundation and any wood, with a projection edge bent downward at an angle of 45 degrees and extending horizontally at least 1 inch from the face of the foundation. Copper clad building paper or similar material shall not be used to satisfy the requirements of this section; provided that chemical treatment of adjacent soil may be substituted in lieu of the shielding, the manner and proof of which treatment shall be of a nature as shall satisfy the village officials of the efficacy thereof.

(Prior Code, § 150.21) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.022 LIFE SAFETY CODE; DOOR LOCK REQUIREMENTS.

The requirements of the Life Safety Code, with regard to door locks are hereby modified insofar as the same may be applicable to mercantile, office, or industrial occupancies, if there is a readily visible, durable sign placed on or adjacent to the required exit door stating “This door shall remain unlocked during business hours,” which sign shall be in letters not less than 1-inch high on a contrasting background, provided the locking device on the door is of a type which readily shows when the same is locked or is not locked and provided that use of the door to satisfy fire exit requirements is approved in writing by the village officials. Flush or surface bolts shall not be used unless the same are of not less than 1/2-inch round stock with a 3/4-inch minimum diameter control knob and that there be no more than 2 such bolts to an exit opening both of which are readily accessible. Flush bolts on inactive doors which lock and unlock simultaneously with an active door are permitted.

(Prior Code, § 150.22) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.023 AMENDMENTS.

Amendments to the standards and codes adopted hereof by reference may be hereafter adopted by the filing hereof in triplicate with the Village Clerk at the direction of the Mayor and Board of Trustees, which the amendments shall become effective and shall be incorporated herein by reference and made a part hereof as if fully set forth herein, 15 days after the same have been so filed.

(Prior Code, § 150.23) (Ord. 145, passed 9-16-1974)

BUILDING PERMITS

§ 150.035 PERMIT REQUIRED.

(A) No person, firm, or corporation shall construct, remove, demolish, or alter or structurally repair any building, or structure or commence to construct, remove, demolish, or alter, or structurally repair any building or structure without first having obtained a permit so to do issued by the village officials or their authorized representative upon approval of an application for the same.

(B) For the purpose of this section, the word ***STRUCTURE*** shall have the same meaning as so defined in the Forsyth Zoning Ordinance and shall include a driveway.

(Prior Code, § 150.30) (Ord. 145, passed 9-16-1974; Am. Ord. 529, passed 5-1-2000) Penalty, see § 150.999

§ 150.036 APPLICATION FOR PERMIT.

(A) (1) Application for the permit shall be in writing on forms prescribed and furnished by the village officials which application shall be made by the owner, lessee, or agent of either, or the architect,

engineer, or builder employed in connection with the proposed work and shall contain the name and address of the applicant and of the owner, and if the owner is a corporation the name and address of the Mayor and secretary thereof or the local managing agent thereof.

(2) The application shall contain the description of the proposed work and other information as may be reasonably required by the village officials.

(B) Each application for a permit for construction of a new building costing \$2,500 or more shall be accompanied by 3 or 4 sets of drawings to scale of the proposed work including floor plans, elevation, sections, structural and mechanical plans, and a site plan accurately showing the location and size of the new building or structure along with off-street parking facilities, if any, and 2 sets of specifications for the proposed work such drawings shall have been prepared by a structural engineer or an architect licensed by the state, and such fact shall be certified to by the structural engineer or architect licensed by the state.

(Prior Code, § 150.31) (Ord. 145, passed 9-16-1974)

§ 150.037 APPROVED PLANS MUST BE FOLLOWED.

Upon approval of the plans and specifications submitted and issuance of the permit, the plans and specifications so approved shall be strictly adhered to.

(Prior Code, § 150.32) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.038 SIGNATURE AND DATE OF FINAL PREPARATION.

The required plans and specifications and any alterations, revision, or amendment thereof shall bear the signature and the date of final preparation or approval of the person preparing the same and shall be endorsed with a statement showing the relations of the preparer thereof to the owner or applicant, and shall be in compliance with all applicable statutes of the state and ordinances of the village.

(Prior Code, § 150.33) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.039 DISAPPROVAL OF APPLICATION; TEMPORARY PERMIT.

The village officials shall act upon all applications within a reasonable time and, in case of disapproval of an application, the village officials if so requested shall report their reasons for the same in writing to the applicant. The village officials may issue a temporary permit for the commencement of construction or other work before all mechanical plans and all detailed construction documents have been submitted; provided, that reasonably adequate plans for the commencement of work have been presented and approved; and provided further, the temporary permit is limited to the work for which plans have been received and approved.

(Prior Code, § 150.34) (Ord. 145, passed 9-16-1974)

§ 150.040 ISSUANCE OF PERMIT; DISPLAY OF PERMIT.

Upon approval of plans and specifications, the village officials shall issue a permit for the prosecution of the work, a copy of which permit shall be prominently displayed so as to be visible from a street at the construction site at all times until the completion of the work.
(Prior Code, § 150.35) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.041 PLANS TO BE KEPT ON PREMISES; LIMITS OF CONSTRUCTION SITE.

(A) An approved copy of the plans and specifications for the work shall be kept on the premises at all times until the work is completed.

(B) During the course of the work, survey pins showing the limits of the construction site shall be so maintained as to be readily seen.

(Prior Code, § 150.36) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.042 REVOCATION; STOP ORDER.

Permits hereunder may be revoked and the work permitted thereby stopped by the village officials at any time it is discovered a false statement or misrepresentation as to a material fact has been made in the application for the permit, or in the plans and specifications connected therewith, or upon failure to follow, or deviation from, the approved plans and specifications, or from the requirements of this chapter. The stop order may be in writing directed to the owner, lessee, architect, engineer, or builder or the agent of any of them, or may be by notice posted at the construction site.

(Prior Code, § 150.37) (Ord. 145, passed 9-16-1974)

§ 150.043 EXPIRATION OF PERMIT.

(A) Work shall be commenced within 90 days after the date a permit is issued, failing which the permit shall be void.

(B) Work under the permit shall be prosecuted without unreasonable delay and if suspended for a period of 90 days without permission of the village officials the permit shall expire.

(Prior Code, § 150.38) (Ord. 145, passed 9-16-1974)

§ 150.044 PERMIT FEES.

(A) *Generally.* The following fees shall be paid to the Building Inspector prior to the issuing of building permits.

(B) *Fees.*

(1) The permit fee for construction of separate buildings or structures, including attached private garages or breezeways upon residential property and for additions to property is \$.10 per square foot, excepting a fee of \$10 for fences, driveways, and buildings under 100 square feet;

(2) The permit fee for alterations or repairs to existing buildings including the repair of fire damage shall be \$5 for the first \$1,000 of estimated cost or valuation thereof, plus \$1.75 for each additional \$1,000 of estimated cost or valuation thereof;

(3) The permit fee for the construction of a private garage upon existing residential property shall be \$20; and

(4) For copies of the zoning code, \$25.
(Prior Code, § 150.39) (Am. Ord. 529, passed 5-1-2000)

VARIANCES

§ 150.055 AUTHORITY.

The Village Administrator shall decide variations from the provisions of the building code that are in harmony with its general purpose and intent and shall grant the variances only in those instances where the strict application thereof would not further the purposes set forth in § 150.002.
(Ord. 519, passed 3-15-1999)

§ 150.056 INITIATION.

An application for a variation shall be made in writing to the Village Administrator contemporaneously with the application for permit pursuant to § 150.036. The application for building permit shall contain a copy of the application for variance.
(Ord. 519, passed 3-15-1999)

§ 150.057 PROCESSING.

The Village Administrator shall act upon the application within a reasonable time, and in case of disapproval shall report the reasons for the same in writing to the applicant. There shall be no right to appeal from the decision of the Village Administrator.
(Ord. 519, passed 3-15-1999)

BUILDING REQUIREMENTS

§ 150.070 GRADE MARKING OF LUMBER.

(A) All structural lumber and plywood shall carry the grade marking of an authorized grade agency.

(B) The stamp shall contain:

- (1) Grade rules agency;
- (2) Grade of lumber;
- (3) Species; and
- (4) Manufacturer.

(Prior Code, § 150.50) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.071 FIRE RESISTANCE RATING OF CEILINGS.

All buildings that have unprotected floors or roofs, or both, shall be protected with ceilings which shall have a fire resistance rating of not less than 1 hour with the exception of buildings with industrial occupancies, 1- and 2-family dwellings, heavy timber construction, buildings provided with approved sprinkler systems, and detached private garages.

(Prior Code, § 150.51) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.072 BATHROOMS AND LAVATORIES.

In every building where there is human occupancy or employment, toilet rooms with water closets, urinals, and lavatories shall be provided as applicable by the plumbing code. Both hot and cold water shall be provided to all lavatories, bathtubs, and showers. Water closets and urinals shall be placed in rooms or compartments which are devoted exclusively to toilet facilities. Partitions enclosing toilet rooms shall be solid except for the entrance door, and shall extend from the floor to the ceiling. Partitions separating water closets or urinals within a toilet room shall not extend to the ceiling but shall be so constructed as to permit circulation of air throughout the room. All toilet rooms shall be provided with workable exterior windows or electrical exhaust fans to the exterior as applicable to the heating and ventilating code.

(Prior Code, § 150.52) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.073 SURFACE AND SUBSOIL DRAINAGE.

Adequate surface and subsoil drainage around and beneath structures shall be provided in such manner that the same is not collected and directed onto adjacent property. No footing tile, downspout, or surface drains shall be connected directly or indirectly to a sanitary sewer.

(Prior Code, § 150.53) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.074 EXTERIOR STAIRWAYS; FIRE ESCAPES.

Open exterior stairways or fire escapes used in connection with residential occupancies shall not be permitted to be constructed above the first floor level.

(Prior Code, § 150.54) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.075 FEES PAID BEFORE ISSUANCE OF PERMIT.

Permit fees shall be paid before the permit is issued and shall be computed as set forth in the provisions of § 150.044, which included parking lots, driveways, and all site work.
(Prior Code, § 150.55) (Ord. 145, passed 9-16-1974)

§ 150.076 REGULAR INSPECTIONS; REINSPECTIONS FEES.

(A) Regular inspections shall be made by the village officials or their authorized agents during the progress of construction work.

(B) At the time of the issuance of a building permit, the village officials shall issue to the applicant request for progress inspection cards which shall be used by the person performing the work to notify the village officials first when the footings and foundation are completed, secondly when the structure is framed, and thirdly upon final completion and inspections shall be accomplished at each of those stages, and if the work is approved, the person making the inspection shall endorse such fact upon the permit.

(Prior Code, § 150.56) (Ord. 145, passed 9-16-1974)

§ 150.077 POLE BUILDING CONSTRUCTION.

The type of construction which is commonly known as pole building construction is prohibited except in industrial zones where the structures may be used only for the storage of noncombustible material. Permits for the same shall be accompanied with plans and specifications as is required for other structures.

(Prior Code, § 150.57) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.078 FOOTINGS; CRAWL SPACE.

Adequate footings extending a minimum of 3 feet below grade shall be provided for all buildings and structures except accessory buildings the footings for which shall extend not less than 18 inches below grade. Where a crawl space is provided, it shall be not less than 30 inches in height measured between the bottom of floor joists and ground.

(Prior Code, § 150.58) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.079 FELT OR TAR PAPER PROHIBITED.

Felt paper or tar paper shall not be used on the exterior of a building as a finish material.

(Prior Code, § 150.59) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

§ 150.080 BOND; REQUESTING REVIEW BY VILLAGE BOARD.

(A) Notwithstanding any other provisions of this chapter or any other ordinance of the village whenever site improvements are shown or required to be shown on plans upon which a building permit is, or building permits are, to be issued, the application for the permit, before the same is issued, shall be required to furnish the village to be filed with the Village Clerk, a bond, with penalty in an amount approved by the Board of Trustees to be sufficient to pay the costs of the improvement in the event of default, and in form and with security in conformance with that required by the Subdivision Ordinance and approved by the Village Attorney and further conditioned upon the furnishing and installation and construction of the site improvements in compliance with the plans and with applicable ordinances, rules, regulations, and standards within a reasonable period to be determined by the Board of Trustees not to exceed 2 years from the date of the bond. Successive bonds for additional periods may be authorized by the Board of Trustees upon reasonable request. No bond shall be required hereunder for improvements, the furnishing, installation, or construction of which are a part of the condition of the bond furnished pursuant to the requirement of a provision or an ordinance other than this code, or the permit or permits are for the construction of a single-family dwelling being built separately and not as a part of the development of a group of the dwellings.

(B) The Village Administrator is authorized to promulgate and enforce by administrative order, rules, and regulations for the administration of the provisions of division (A) above. A copy of the rules and regulations shall be filed with the Board of Trustees upon promulgation. Any person affected by the application and enforcement of the rules may request review by the Board of Trustees by, within 10 days from the date of any decision thereunder, filing the request in writing with the Village Clerk specifying the decision sought to be reviewed.
(Prior Code, § 150.60) (Ord. 145, passed 9-16-1974; Am. Ord. 147, passed 11-4-1974)

BILLBOARDS

§ 150.095 PROVISIONS OF ZONING CODE APPLY.

Billboards, sign board, and electrical signs shall be subject to provisions of the zoning code.
(Prior Code, § 150.70) (Ord. 145, passed 9-16-1974)

§ 150.096 REQUIREMENTS FOR SUSPENSION OF DISPLAY SIGN OVER STREET; BOND; INSURANCE.

The owner or person in control of a display sign suspended over a street or extending into a street more than 15 inches beyond the building line, shall execute a corporate surety bond in the sum of \$30,000 to be approved by the village, indemnifying the village, against all loss, cost, damage, or expense to person or property incurred or sustained by or recovered against the municipality by reason of the construction or maintenance of the display sign. In lieu thereof, the person may file with the village a public liability insurance policy with the village as the named insured, indemnifying the village against loss or damage to person or property in the minimum amount of \$100,000 for any 1 person for bodily injury or death; \$300,000 for liability in any 1 accident for bodily injury or death; and property damage in the amount of \$50,000. The policy must provide that the village shall receive at least 10-days' notice prior to any cancellation.
(Prior Code, § 150.71) (Ord. 145, passed 9-16-1974) Penalty, see § 150.999

RETAIL SHOPS

§ 150.110 NUMBER OF RESTROOMS REQUIRED.

(A) The serving of food in a retail shop in the village, when referred to in this section, shall be defined as the sale of food on the premises and providing by the operator of the premises of facilities on the premises where it may be consumed by the purchaser.

(B) (1) Small retail shops which are located in a shopping mall or other places where adequate public restrooms are otherwise available shall provide the number of restrooms in those shops set forth in the following schedule:

<i>Shop Area</i>	<i>Number of Toilet Rooms</i>
0 - 500 square feet	None
Over 500 square feet	1

(2) However, no food shall be served in any shop with a shop area of 0 to 500 square feet having less than 1 restroom, and further providing that no food shall be served in any shop with a shop area of 500 to 2,500 square feet having less than 2 restrooms.

(Prior Code, § 150.80) (Ord. 186, passed 4-17-1978; Am. Ord. 190, passed 8-21-1978; Am. Ord. 283, passed 7-16-1984) Penalty, see § 150.999

§ 150.111 VALUATION OF COST OF FINISHING RETAIL SHOPS FOR PERMIT PURPOSES.

The cost of finishing retail shops which are located in an enclosed shopping mall for building permit purposes shall be determined by valuing the improvement at \$30 per square foot for the square footage of the enclosure.

(Prior Code, § 150.81) (Ord. 192, passed 8-21-1978)

EROSION CONTROL DURING CONSTRUCTION

§ 150.125 STOCKPILING OF EXCAVATED SOIL.

The owner shall cause excavated soil or stored fill to be placed away from any downslope street, driveway, stream, ditch, or drainage way so as to prevent soil runoff. Soil piles shall be seeded with a temporary grass such as annual rye or winter wheat.

(Ord. 515, passed 12-21-1998) Penalty, see § 150.999

§ 150.126 TEMPORARY CONSTRUCTION ACCESS DRIVE.

The owner shall cause to be constructed as soon as practicable after the start of construction, a single access drive using 2- to 3-inch aggregate 6 inches deep with a minimum width of 7 feet. The driveway shall run from the adjacent street to the foundation, or 50 feet, whichever is less.
(Ord. 515, passed 12-21-1998) Penalty, see § 150.999

§ 150.127 CLEANUP OF TRACKED OR WASHED SOIL.

(A) The owner shall be responsible to cause all soil tracked from the construction site onto public streets or sidewalks to be cleaned up by the end of each work day.

(B) By the end of the next work day after a rainstorm, the owner shall cause soil which has been washed from the construction site onto public streets or sidewalks to be cleaned up.
(Ord. 515, passed 12-21-1998) Penalty, see § 150.999

§ 150.128 SEEDING OF BARE SOIL.

The owner shall cause bare soil on a construction site to be seeded, sodded, or mulched as soon as is practicable. If seeding cannot be accomplished before September 1 or sodded before November 15, straw bales or silt fences shall be placed to prevent soil erosion during winter months.
(Ord. 515, passed 12-21-1998) Penalty, see § 150.999

§ 150.998 VIOLATION; REMEDY.

(A) Whenever the village officials find that a building or structure, or any work in connection therewith, the erection, construction, or alteration, execution, or repair of which is regulated, permitted, or forbidden by this chapter, is being erected, constructed, altered, or repaired, in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder he or she may serve a written notice or order upon the person responsible therefor directing discontinuance of the illegal action and the remedying of the condition that is in violation of the provisions or requirements of this chapter, or other ordinances.

(B) In case the notice or order is not promptly complied with, appropriate action or proceeding shall be commenced to restrain, correct, or remove the violation, or the execution of work thereon, or to prevent the occupation or use of the building or structure erected, constructed, altered, or repaired in violation of, or not in compliance with, the provisions of this chapter, or with respect to which the requirements thereof or of any order or direction made pursuant to provisions contained therein, shall not have been complied with.

(C) Whenever in the opinion of the village officials, by reason of defective or illegal work in violation of a provision or requirement of this chapter, the continuance of a building operation is contrary to public health, safety, or welfare, he or she may order, either orally or in writing, all further work to be stopped and suspended until the condition in violation has been remedied. The owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the

proposed work shall be notified and all other work shall be stopped until the order is removed.
(Prior Code, § 150.98) (Ord. 145, passed 9-16-1974)

§ 150.999 PENALTY.

(A) (1) Any person, firm, or corporation who violates, omits, neglects, or refuses to comply with the provisions of this chapter shall, upon conviction thereof be fined not more than \$500 for each offense.

(2) Every day that the violation is not corrected or is not made to conform with the provisions of this chapter shall be a separate and distinct offense.
(Ord. 145, passed 9-16-1974)

(B) Any person, firm, or corporation who shall violate any of the provisions of § 150.110 shall, upon conviction, be fined not less than \$5 or more than \$200 for each offense. Each day on which a violation occurs or continues shall be considered as a separate offense.
(Ord. 186, passed 4-17-1978)
(Prior Code, § 150.99)

CHAPTER 151: OFF-STREET PARKING FACILITIES

Section

- 151.01 Title
- 151.02 Purpose
- 151.03 Certain standards required
- 151.04 Written notice; correcting violation
- 151.98 Violations
- 151.99 Penalty

§ 151.01 TITLE.

This chapter shall be known and may be cited as the off-street parking facilities chapter.
(Prior Code, § 151.01) (Ord. 162, passed 1-5-1976)

§ 151.02 PURPOSE.

The purpose of this chapter is to provide for the proper regulation of construction, equipping, and installation of off-street parking facilities in the village, and provide penalties for the violation of this chapter.
(Prior Code, § 151.02) (Ord. 162, passed 1-5-1976)

§ 151.03 CERTAIN STANDARDS REQUIRED.

(A) *Generally.* Whenever off-street parking facilities are required by any ordinance of the village, or are constructed for any purpose within the village, the following standards shall apply.

(B) *Standards.*

(1) Off-street parking facilities shall be effectively screened on any side which adjoins premises situated in any residence zone by either a solid, uniformly painted fence or wall not less than 4 screening of hedge or other natural landscape not less than 4 feet nor more than 6 feet in height, the space between the fence, and the adjoining lines of premises situated in residence zones shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition.

(2) All off-street parking facilities shall, before surfacing, be graded and drained to dispose of all surface water without damage to adjacent premises.

(3) All lighting for off-street parking facilities shall be arranged so that the source is not visible from, and no glare is reflected upon, any adjoining premises in residential zones.

(Prior Code, § 151.03) (Ord. 162, passed 1-5-1976) Penalty, see § 151.99

§ 151.04 WRITTEN NOTICE; CORRECTING VIOLATION.

Any person found to be violating any provision of this chapter shall be served by the village with written notice stating the nature of the violation and providing a reasonable time limit, not less than 5 days nor more than 30 days, for the period of time stated in the notice, to permanently cease all violations of this chapter.

(Prior Code, § 151.04) (Ord. 162, passed 1-5-1976) Penalty, see § 151.99

§ 151.98 VIOLATIONS.

Any person violating any provision of this chapter shall become liable to the village for any expense, loss, or damage occasioned by the village by reason of that violation, in addition to any fine provided for herein.

(Prior Code, § 151.98) (Ord. 162, passed 1-5-1976) Penalty, see § 151.99

§ 151.99 PENALTY.

Any person who shall continue any violation beyond the effective date of this chapter (1-6-1976) shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$10 nor more than \$50 for each violation. Any person convicted of a second or subsequent violation of this chapter within a 3-year period shall be fined not less than \$50 nor more than \$200 upon the second or subsequent conviction within the 3-year period. Each day in which such violation shall continue shall be deemed a separate offense, for both the first and subsequent offenses.

(Prior Code, § 151.99) (Ord. 162, passed 1-5-1976)

CHAPTER 152: STORMWATER MANAGEMENT

Section

- 152.01 Statement of purpose
- 152.02 Definitions
- 152.03 Land disturbance permits required
- 152.04 Building permit
- 152.05 Exemptions
- 152.06 Waivers
- 152.07 Conditions for waiver
- 152.08 Land disturbance permit not to be issued where waiver requested
- 152.09 Application for a land disturbance permit
- 152.10 Review and approval of application
- 152.11 Performance bond or performance security
 - 152.12 Permit duration
 - 152.13 BMP manual for stormwater pollution prevention plans
 - 152.14 Standards and performance criteria for stormwater pollution prevention plans
 - 152.15 Erosion and sediment control plan requirements
 - 152.16 Stormwater management plan requirements
 - 152.17 Landscaping and stabilization requirements
 - 152.18 Construction maintenance, inspection and reporting responsibility
 - 152.19 Records of installation and maintenance activities
 - 152.20 Failure to meet or maintain design or maintenance standards
 - 152.21 Existing locations and developments
 - 152.22 Inspection of existing facilities
 - 152.23 Illicit discharges
 - 152.24 Prohibition of illicit connections
 - 152.25 Elimination of stormwater pollutants by the use of best management practices
 - 152.26 Notification of spills
 - 152.27 Enforcement authority
 - 152.28 Other remedies
 - 152.99 Penalty

§ 152.01 STATEMENT OF PURPOSE.

The purpose of this chapter is to protect, maintain and enhance the environment of the village and the public health, safety and welfare of the citizens of the village by controlling discharges of pollutants to the village's stormwater system, by maintaining and improving the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands and groundwater of the village and to enable the village to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations for stormwater discharges in 40 CFR 122.26.

(Ord. 685, passed 4-3-2006)

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word **SHALL** is mandatory and not discretionary. The word **MAY** is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

AGRICULTURAL. Related to or used for the production of food and fiber, including but not limited to, general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production and wild crop harvesting and includes lands used for on-site buildings and other structures necessary to carry out such activities.

AS BUILT PLANS. Drawings depicting conditions as they were actually constructed.

BEST MANAGEMENT PRACTICES or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. **BMPs** also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

CHANNEL. A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

COMMENCEMENT OF CONSTRUCTION. The initial disturbances of soils associated with clearing, grading, or excavating activities or other construction activities.

COMMUNITY WATER. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the village.

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL. Preventing or reducing soil erosion and sedimentation from land disturbing activity, whether naturally occurring or acting in connection with or promoted by human-made activities or effects.

CONTAMINANT. Any physical, chemical, biological, or radiological substance or matter in water.

DESIGN STORM EVENT. A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design as associated with stormwater runoff.

DISCHARGE. Dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

EASEMENT. An acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

EROSION (SOIL EROSION). The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EROSION AND SEDIMENT CONTROL PLAN. A written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

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

EXISTING DEVELOPMENT. Buildings and other structures and impervious area existing prior to chapter adoption.

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

FINAL STABILIZATION. Soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 70% of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent stabilization measures (such as the use of riprap, gabions or geotextiles) have been employed.

HOT SPOT or PRIORITY AREA. An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

ILLICIT CONNECTIONS. Illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

ILLICIT DISCHARGE. Any discharge to the municipal separate storm sewer system that is not composed entirely of storm water and not specifically exempted in § 152.23.

IMPERVIOUS SURFACE. Any land cover that prevents rain or melting snow from soaking into the ground, such as roofs (including overhangs), roads, sidewalks, patios, driveways and parking lots. For purposes of this chapter, all road, driveway or parking surfaces including gravel surfaces, shall be considered, impervious, unless specifically designed to encourage infiltration and approved by the local approval authority.

INCIDENT OF NONCOMPLIANCE or ION. Any violation of the stormwater pollution prevention plan observed during an inspection at a construction site.

LAND DISTURBING ACTIVITY. Any land alterations or activities that may result in soil erosion, sedimentation, or change in runoff including but not limited to removal of ground cover, grading, excavating, and filling of land.

MAINTENANCE. Any activity necessary to keep a stormwater facility in good working order so as to function as designed. ***MAINTENANCE*** shall include complete reconstruction of a stormwater

facility if reconstruction is needed to restore the facility to its original operational design parameters. **MAINTENANCE** shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

MAINTENANCE AGREEMENT. A document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) (MUNICIPAL SEPARATE STORMWATER SYSTEM). The conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT OR NPDES PERMIT. A permit issued pursuant to 33 USC 1342.

NEW DEVELOPMENT. Structural development, including construction of a new building or other structures; expansion or alteration of an existing structure that results in an increase in the surface dimensions of the building or structure; land disturbing activities; or creation or expansion of impervious surface.

NON-STRUCTURAL BMPS. Institutional and pollution prevention type practices through education and source control, recycling, and maintenance that prevent pollutants from entering stormwater runoff or reduce the volume of stormwater requiring management.

NOTICE OF INTENT or NOI. The completed permit form submitted to the Illinois Environmental Protection Agency in accordance with its rules and regulations for the authorization to discharge stormwater from a construction site.

NOTICE OF TERMINATION or NOT. The completed form submitted to the Illinois Environmental Protection Agency in accordance with its rules and regulations where a construction site has been finally stabilized and all stormwater discharges from the construction site authorized under a notice of intent are eliminated.

OFF-SITE FACILITY. A structural BMP located outside the subject property boundary described in the permit application for land development activity.

ON-SITE FACILITY. A structural BMP located within the subject property boundary described in the permit application for land development activity.

PEAK FLOW. The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

PERSON. Any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

PERVIOUS SURFACE. Any land cover that permits rain or melting snow to soak into the ground.

PRIORITY AREA. See **HOT SPOT**.

QUALIFIED PERSON or QUALIFIED PERSONNEL. A person or personnel knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer or other knowledgeable person who possesses the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any erosion and sediment control measures selected to control the quality of stormwater discharges from the construction activities.

RUNOFF. That portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.

SEDIMENT. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest at a different site.

SEDIMENTATION. The deposition of eroded soils at a site different from the one where the erosion occurred.

SITE. The bounded area described in an erosion control plan or stormwater management plan.

SOILS REPORT. A study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified person, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

STABILIZATION. Providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

STORM EVENTS. The runoff, rainfall or flood occurrence having a probability of being equaled or exceeded in any given year (e.g., a 2-year event has a 50% probability of being equaled or exceeded in a given year; a 10-year event has a 10% probability; a 100-year event has a probability of 1% etc.).

STORMWATER. The flow of water which results from, and which occurs during and immediately following, a rainfall, snow-melt or ice-melt event.

STORMWATER MANAGEMENT. Any measures taken to permanently reduce or minimize the negative impacts of stormwater runoff after land development activities.

STORMWATER MANAGEMENT PLAN. The set of drawings and other documents including the erosion and sediment plan that is part of the stormwater pollution prevention plan (SWPPP) that comprise the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques to be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed.

STORMWATER MANAGEMENT SYSTEM. All publicly or privately owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER POLLUTION PREVENTION PLAN or SWPPP. A written document which describes the best management practices and activities to be implemented to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable and assure compliance with NPDES Permit No. ILR10 and ILR40.

STORMWATER RUNOFF. The waters derived from rains falling or snow-melt or ice-melt occurring within a drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.

STRUCTURAL BMPS. Practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharges of pollutants from exposed areas of a construction site.

SURFACE WATER. Includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

TOTAL MAXIMUM DAILY LOAD OR TMDL. The sum of the individual waste load allocations (WLAs) for point sources and load allocations (LAs) for non point sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of, that point source WLA plus the LAs for any non point sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

WATERCOURSE. A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERSHED. All the land area that contributes runoff to a particular point along a waterway.

(Ord. 685, passed 4-3-2006)

§ 152.03 LAND DISTURBANCE PERMITS REQUIRED.

Every person shall comply with the village stormwater policy for runoff control. In addition, a land disturbance permit will be required to be obtained from the Village Engineer in the following cases:

(A) Land disturbing activity disturbs 1 or more acres of land;

(B) Land disturbing activity of less than 1 acre of land if such activity is part of a larger common plan of development that affects 1 or more acre of land;

(C) Land disturbing activity of less than one 1 acre of land, if in the discretion of the Village Engineer such activity poses a unique threat to water, or public health or safety because the activity by itself or of a cumulative effect negatively impacts water quality;

(D) The creation and use of borrow pits.
(Ord. 685, passed 4-3-2006) Penalty, see 152.99

§ 152.04 BUILDING PERMIT.

No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this chapter.

(Ord. 685, passed 4-3-2006)

§ 152.05 EXEMPTIONS.

The following activities are exempt from the land disturbance permit requirement:

(A) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(B) Additions or modifications to existing single family structures not subject to the minimum standards as set forth in § 152.03.

(C) Existing agricultural use of land involving:

(1) Any activity directly related to the planting, growing and harvesting of agricultural crops; or

(2) Implementation of conservation measures approved by the USDA - NRCS and the Macon County Soil and Water Conservation District; or

(3) The construction of agricultural structures not subject to the minimum standards as set forth in § 152.03.

(D) Industrial activities having separate NPDES stormwater permits that are current and for which they are in compliance.

(Ord. 685, passed 4-3-2006)

§ 152.06 WAIVERS.

Every applicant shall provide a stormwater pollution prevention plan as required by this chapter, unless a written request is filed to waive this requirement. Requests to waive the stormwater pollution prevention plan requirements shall be submitted to the Village Engineer for approval.

(Ord. 685, passed 4-3-2006)

§ 152.07 CONDITIONS FOR WAIVER.

The minimum requirements for the stormwater pollution prevention plan may be waived in whole or in part upon written request of the applicant, provided at least 1 of the following conditions applies:

(A) It can be demonstrated the proposed development is not likely to impair attainment of the objectives of this chapter.

(B) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the Village Engineer.

(C) Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.

(D) It is demonstrated to the satisfaction of the Village Engineer that the waiver will not lead to any of the following conditions downstream:

(1) Deterioration of existing culverts, bridges, dams, and other structures;

(2) Accelerated streambank or streambed erosion or siltation;

(3) Increased threat of flood damage to public health, life or property;

(4) Degradation of biological functions or habitat.

(Ord. 685, passed 4-3-2006)

§ 152.08 LAND DISTURBANCE PERMIT NOT TO BE ISSUED WHERE WAIVER REQUESTED.

No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a storm water pollution prevention plan.

(Ord. 685, passed 4-3-2006)

§ 152.09 APPLICATION FOR A LAND DISTURBANCE PERMIT.

(A) Each application shall include the following:

(1) The name, address, and telephone number of the property owner;

(2) The address and legal description of subject property including the tax parcel number of the subject property;

(3) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;

(4) A description of the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit will be applicable;

(5) A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading);

(6) The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water(s);

(7) Copy of the Notice of Intent submitted, if required, to the Illinois Environmental Protection Agency;

(8) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not prohibit the village from imposing additional development requirements and conditions, commensurate with this chapter, on the development of property covered by those permits.

(B) Each application shall be accompanied by:

(1) A stormwater pollution prevention plan as required by NPDES ILR10 plus the additional information required by the village. Said plan shall include:

(a) An erosion and sediment control plan as set forth in § 152.15;

(b) A stormwater management plan as set forth in § 152.16, providing for stormwater management during the construction and after the construction has been finished.

(2) Payment of land disturbance permit and other storm water management pollution prevention plans fees, which shall be set by separate resolution or ordinance.

(Ord. 685, passed 4-3-2006)

§ 152.10 REVIEW AND APPROVAL OF APPLICATION.

(A) The Village Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this chapter. The Village Engineer shall provide one of the following responses to the applicant:

(1) Approval of the permit application;

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

conditions; or

- (3) Denial of the permit application, indicating the reason(s) for the denial.

(B) If the Village Engineer has granted conditional approval of the land disturbance permit, the applicant shall submit a revised plan that conforms to the conditions established by the Village Engineer. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the Village Engineer.

(Ord. 685, passed 4-3-2006)

§ 152.11 PERFORMANCE BOND OR PERFORMANCE SECURITY.

(A) (1) The village shall, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit to ensure the permit holder conforms to the conditions and requirements of the approved stormwater pollution prevention plan. The amount of the performance security or performance bond shall be the total estimated construction cost of the structural and non-structural BMPs approved under the permit plus 10% of the total estimated costs.

(2) The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater pollution prevention plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the Village Engineer. Alternatively the Village Engineer shall have the right to calculate the cost of construction cost estimates.

(B) The performance security or performance bond shall be submitted and accepted by the Village Engineer prior to the issuance of a building permit by the village.

(C) The performance security or performance bond shall be released in full only upon submission of record drawings and written certification by a registered professional engineer licensed to practice in the State of Illinois that the structural and non-structural BMPs have been installed in accordance with the approved plan and other applicable provisions of this chapter. The Village Engineer will make a final inspection of the BMPs to ensure it is in compliance with the approved plan and the provisions of this chapter prior to the release of the performance bond or performance security. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages may be made at the discretion of the Village Engineer.

(D) Occupation permits will not be granted until all corrections to all BMPs have been made and accepted by the Village Engineer.

(Ord. 685, passed 4-3-2006)

§ 152.12 PERMIT DURATION.

Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within 180 calendar days of issuance, or is not complete within 18 months from the date of the commencement of construction.

(Ord. 685, passed 4-3-2006)

§ 152.13 BMP MANUAL FOR STORMWATER POLLUTION PREVENTION PLANS.

The Village of Forsyth adopts as its best management practices (BMP) manual the following publications, which are incorporated by reference in this chapter as is fully set out herein:

(A) Illinois Urban Manual, latest amendment prepared by the United States Department of Agriculture, Natural Resources Conservation Services. This manual includes a list of acceptable BMPs including the specific design criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the governing body of the municipality, upon the recommendation of the Village Engineer, based on improvements in engineering, science, monitory and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to comply with requirements of NPDES Permit No. ILR10.

(B) Illinois Procedures and Standards for Urban Soil Erosion and Sediment Control, commonly referred to as the "Green Book", latest version, developed through the efforts of the Northeastern Illinois Soil Erosion and Sedimentation Control Steering Committee, chaired by Mr. James K. Michels, P.E.

(C) Illinois Department of Transportation Erosion Control/NPDES Guidelines.

(D) Village of Forsyth Stormwater Policy.

(E) Other publications pertaining to best management practices and/or erosion and sediment control as may be approved, in writing, by the Village Engineer.
(Ord. 685, passed 4-3-2006)

§ 152.14 STANDARDS AND PERFORMANCE CRITERIA FOR STORMWATER POLLUTION PREVENTION PLANS.

Unless granted a waiver or judged by the Village Engineer to be exempt, the following performance criteria shall be addressed for the stormwater pollution prevention plan to permanently reduce or minimize the negative aspects of storm, water runoff after land development activities at all sites.

(A) All site designs shall control the stormwater discharge in compliance with village requirements.

(B) The stormwater pollution prevention plan shall be designed, at a minimum, for a storm event equal to or greater than a 25-year 24-hour rainfall event.

(C) The management practices, controls and other provisions contained in the stormwater pollution prevention plan must be at least as protective as the requirement contained in the Illinois Urban Manual.

(D) Watercourses shall be protected from degradation through the application of recommended

design and construction guidelines in the BMP manual.

(E) Prior to or during the site design process, applicants for land disturbance permits shall consult with the Village Engineer to determine if they are subject to additional storm water pollution prevention plan requirements which may include stormwater discharges:

(1) To waters for which there is a TMDL allocation for sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation);

(2) To waters listed in the Illinois 2004 303(d) list. This includes Lake Decatur and its tributaries, the Sangamon River below the Lake Decatur Dam and Stevens Creek;

(3) To critical areas with sensitive resources (i.e. swimming beaches, recharge areas, water supply reservoirs) that may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater pollution prevention practices;

(4) From "hot spots" that may require the application of specific structural BMPs and pollution prevention practices.

(Ord. 685, passed 4-3-2006)

§ 152.15 EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.

The erosion and sediment control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length in time and the complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a qualified person. The plan shall also conform to the requirements found in the BMP manual as referenced in § 152.13, and shall include at least the following:

(A) Project description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(B) A topographic map with contour intervals of 5 feet or less showing present conditions and proposed contours resulting from land disturbing activity.

(C) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(D) A general description of existing land covers. Individual trees and shrubs do not need to be identified.

(E) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer

strips, where they exist. Complete landscape plans may be submitted separately.

(F) Approximate limits of proposed clearing, grading and filling.

(G) Approximate flows and location of existing storm water leaving any portion of the site.

(H) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(I) Location, size and layout of proposed storm water and sedimentation control improvements.

(J) Proposed drainage network.

(K) Proposed drain tile or waterway sizes.

(L) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development. When flows are concentrated the plan must address the capacity of waterways, if any, accepting storm water off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(M) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural or non-structural BMPs.

(N) Specific remediation measures to control erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(O) Specific details for the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the Village Engineer. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the Village Engineer. Failure to remove the sediment, soil or debris shall be deemed a violation of this chapter.

(P) Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.

(Q) Requirement that qualified personnel shall inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles or equipment enter or exit the site at least once every 7 calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snowfall.

(Ord. 685, passed 4-3-2006)

§ 152.16 STORMWATER MANAGEMENT PLAN REQUIREMENTS.

The stormwater management plan shall include sufficient information to allow the Village Engineer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. To accomplish this goal the stormwater management plan shall be prepared in accordance with the Village of Forsyth Storm Drainage Policy and include the following:

(A) Soils information when a storm water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be prepared by a qualified person and submitted with the plan. The soils report shall be based upon on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(B) A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility using the North American Vertical Datum of 1988 (NAVD).

(C) A landscaping plan detailing the revegetation of the site after the construction is finished as set forth in § 152.17.

(D) A maintenance plan for all stormwater management facilities to ensure the continued performance of the facilities subject to the approval of the Village Engineer. The plan shall:

(1) Identify the parts or components of said facilities that need to be maintained and inspected;

(2) Provide detailed maintenance and repair procedures for the said facilities;

(3) Identify necessary training, skills or certifications that may be required to maintain, operate or repair any of the said facilities;

(4) Provide that the minimum maintenance and repair needs include, but are not limited to:

(a) The removal of silt, litter, landscape wastes and other debris which adversely impacts the effectiveness of the said facilities;

(b) The management of landscaped areas integral to the said facilities including the cutting of grass, trimming of bushes and trees or the removal of vegetation overgrowth that is not incorporated into the storm water management plan;

(c) The replacement of landscape vegetation and damaged or failed facilities;

(d) The cleaning of storm drainage inlets, pipes and structures;

(e) Revising and implementing revisions or additional maintenance procedures to address

inadequacies of the facilities.

(5) Provide for the regular periodic review, inspection and evaluation of the effectiveness of the maintenance program by qualified personnel for the purpose of documenting maintenance needs. Such reviews and inspections shall be conducted at least once every year after the construction is finished;

(6) Provide for established reporting procedures;

(7) Provide that maintenance needs are addressed in a timely manner.

(E) An executed maintenance agreement as agreed to by the Village Engineer that assigns the responsibility for compliance with the maintenance plan required in division (D) above to the owner of the property on which the stormwater facilities are located to ensure compliance with the purpose and requirements of this chapter. Said agreement shall be a part of the owner's declaration and by appropriate notation referenced on the plat and:

(1) Include as part of said agreement the maintenance plan as approved by the Village Engineer;

(2) Provides that the property owner will arrange to have the periodic inspection of the stormwater facilities specified in the maintenance plan conducted by a qualified person who will submit a sealed report of the inspection to the Village Engineer;

(3) Grant permission to the Village Engineer to enter the property at reasonable times and inspect the stormwater facility to ensure that it is being properly maintained;

(4) Provide that the property owner shall be responsible for additional maintenance needs consistent with the needs and standards outlined in the Illinois Urban Manual;

(5) Provide that maintenance needs must be addressed in a timely manner, on a schedule determined by the Village Engineer;

(6) Provide that if the property is not maintained in compliance with the approved schedule, the Village Engineer shall have the authority to have the maintenance work performed at the Village's expense, and bill the same to the property owner which shall be a lien against the property.

(F) Dedication of easements necessary to ensure access to the site for the purpose of maintenance and inspection of the stormwater management facilities. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded as a commitment against the property.

(G) The village shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this chapter, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the village must also meet the village's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.

(Ord. 685, passed 4-3-2006)

§ 152.17 LANDSCAPING AND STABILIZATION REQUIREMENTS.

(A) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a plan approved by the Village Engineer.

(B) A plan for establishing permanent vegetative cover to stabilize disturbed or exposed areas must be submitted with the stormwater pollution prevention plan. The plan shall describe the vegetative stabilization and management techniques to be used at a site after construction is completed using BMPs. This plan will explain how the site will be stabilized after construction, who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure adequate vegetative cover is preserved.

(C) Where it is required by the BMP, this plan must be prepared by a registered landscape architect in the State of Illinois.

(Ord. 685, passed 4-3-2006) Penalty, see § 152.99

§ 152.18 CONSTRUCTION MAINTENANCE, INSPECTION AND REPORTING RESPONSIBILITY.

(A) The permittee must notify the Village Engineer in advance of the commencement of construction.

(B) The permittee shall have inspections of the management practices, controls and other provisions contained in the stormwater pollution prevention plan conducted by qualified personnel acceptable to the Village Engineer. Said inspections shall be conducted and documented and written reports prepared in accordance with the NPDES Permit No. ILR10 that contain, at a minimum, the following information:

- (1) The date and location of the inspection;
- (2) Name of inspector;
- (3) Type of inspection. Whether it is a weekly inspection or following a precipitation event in excess of 0.5 inches;
- (4) Name of contractor and, as applicable, subcontractors;
- (5) Project name;
- (6) NPDES permit number;
- (7) Whether all temporary and permanent erosion and sediment controls in the stormwater pollution prevention plan (SWPPP) or as subsequently directed by Village Engineer are in place and in

compliance with the SWPPP;

(8) Whether all temporary and permanent erosion and sediment controls that have been installed are operating correctly;

(9) Whether erosion and sediment controls are being properly maintained;

(10) Whether there is tracking of sediment from locations where vehicles and equipment enter and leave project site;

(11) Whether additional controls, adjustments or maintenance directed as a result of previous inspection have been implemented within 7 calendar days;

(12) Any incidents of non-compliance and what corrective action has been undertaken and completed.

(Ord. 685, passed 4-3-2006) Penalty, see § 152.99

§ 152.19 RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES.

The permittee shall retain copies of the storm water pollution plan and all reports and notices required by it, and records of all data used to satisfy the conditions of the storm water pollution prevention plan for a period of at least 3 years. The village may extend this period at anytime prior to the expiration of the 3-year period. These records shall be made available to the Village Engineer during inspection of the facility and at other reasonable times upon request.

(Ord. 685, passed 4-3-2006) Penalty, see § 152.99

§ 152.20 FAILURE TO MEET OR MAINTAIN DESIGN OR MAINTENANCE STANDARDS.

If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the Village Engineer, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing the necessary work to place the facility in proper working condition. In the event the stormwater management facility becomes a danger to the environment or the public health, safety and welfare, the Village Engineer shall notify, in writing, the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have 7 calendar days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the village shall take necessary corrective action. The cost of any action by the village under this section shall be charged to the responsible party.

(Ord. 685, passed 4-3-2006) Penalty, see § 152.99

§ 152.21 EXISTING LOCATIONS AND DEVELOPMENTS.

All locations and developments at which land disturbing activities have occurred prior to the enactment of this chapter and meeting the criteria established in § 152.03 shall comply as follows:

(A) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the Village Engineer.

(B) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(C) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.

(D) Trash, junk, rubbish, etc. shall be cleared from drainage ways.

(E) Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:

(1) Ponds.

- (a) Detention pond;
- (b) Extended detention pond;
- (c) Wet pond;
- (d) Alternative storage measures.

(2) Constructed wetlands.

(3) Infiltration systems.

- (a) Infiltration/percolation trench;
- (b) Infiltration basin;
- (c) Drainage (recharge) well;
- (d) Porous pavement;

(4) Filtering systems.

- (a) Catch basin inserts/media filter;
- (b) Sand filter;
- (c) Filter/absorption bed;
- (d) Filter and buffer strips.

(5) Open channel.

(a) Swale.

(F) The Village Engineer shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting such locations and developments, the actions required to correct those problems, and specify a reasonable time for compliance.

(Ord. 685, passed 4-3-2006) Penalty, see § 152.99

§ 152.22 INSPECTION OF EXISTING FACILITIES.

The Village Engineer may, to the extent authorized by state and federal law, establish inspection programs to verify that stormwater management facilities, including those built before as well as after the adoption of this chapter, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(Ord. 685, passed 4-3-2006)

§ 152.23 ILLICIT DISCHARGES.

For all water generated on developed or undeveloped land entering the municipality's separate storm sewer system, no person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(A) Uncontaminated discharges from the following sources:

- (1) Water line and fire hydrant flushing or other potable water sources;
- (2) Landscape irrigation water or lawn watering with potable water;
- (3) Rising ground water;
- (4) Ground water infiltration;
- (5) Pumped groundwater;
- (6) Discharges from potable water sources;

- (7) Foundation drains;
- (8) Air conditioning condensate;
- (9) Irrigation water, (except for wastewater irrigation);
- (10) Springs;
- (11) Water from crawl space pumps;
- (12) Footing drains;
- (13) Storm sewer cleaning water;
- (14) Water from individual residential car washing;
- (15) Routine external building washdown which does not use detergents;
- (16) Flows from riparian habitats and wetlands;
- (17) Dechlorinated pH neutral swimming pool discharges;
- (18) Residual street wash water;
- (19) Discharges or flows from fire fighting activities;
- (20) Dechlorinated water reservoir discharges;
- (21) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed), and;
- (22) Any other uncontaminated water source.

(B) Discharges specified in writing by the Village Engineer as being necessary to protect public health and safety.

(C) Dye testing is an allowable discharge if the Village Engineer has so specified in writing.
(Ord. 685, passed 4-3-2006) Penalty, see § 152.99

§ 152.24 PROHIBITION OF ILLICIT CONNECTIONS.

The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer 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.
(Ord. 685, passed 4-3-2006) Penalty, see § 152.99

§ 152.25 ELIMINATION OF STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(Ord. 685, passed 4-3-2006) Penalty, see § 152.99

§ 152.26 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the Village Engineer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Village Engineer within 3 business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 3 years.

(Ord. 685, passed 4-3-2006) Penalty, see § 152.99

§ 152.27 ENFORCEMENT AUTHORITY.

The Director of Engineering and Infrastructure shall be responsible for enforcing the provisions in this chapter. The Director of Engineering and Infrastructure is also hereby authorized to promulgate such rules and regulations as may be necessary to supplement this chapter for effective enforcement, provided such rules and regulations shall not be valid until they have been filed in the office of the Village Clerk for not less than 10 days before their respective dates.

(Ord. 685, passed 4-3-2006)

§ 152.28 OTHER REMEDIES.

The provisions or imposition of the penalty set forth in § 152.99 shall not preclude the institution of appropriate action to prevent, abate or stop acts, activities, work or maintenance not in compliance with the provisions of this chapter. In addition to any other remedy that may be provided otherwise, the provisions of this chapter may be enforced in any appropriate action, by injunction or otherwise.

(Ord. 685, passed 4-3-2006)

§ 152.99 PENALTY.

It shall be unlawful for any person to commit any act declared unlawful under this chapter, to violate any provision of this chapter, to violate the provisions of any permit issued pursuant to this chapter or to fail or refuse to comply with any lawful communication or notice to abate or take corrective action as required. Any person or entity found, to be in violation of the provisions of this chapter shall be fined in an amount not less than \$50 nor more than \$500 for each offense.

(Ord. 685, passed 4-3-2006)

CHAPTER 153: SWIMMING POOL SAFETY DEVICES

Section

- 153.01 Fence enclosures
- 153.02 Protective devices
- 153.03 Fence specifications
- 153.04 Permit required
- 153.05 Compliance; existing pools

§ 153.01 FENCE ENCLOSURES.

Every person owning land within the Village of Forsyth on which there is presently situated an above or below ground swimming pool or who constructs such a swimming pool after the effective date of this chapter either of which is designed to contain 24 inches or more of water in depth at any point, shall erect and maintain thereon an adequate fence either surrounding the property or pool area, sufficient to make the body of water inaccessible to small children. The fence, including gates therein, shall be not less than 4 feet above the underlying ground. All gates shall be self-closing and self-latching with latches placed 54 inches from the bottom of the gate, if placed on the outside, or a minimum of 3 inches below the top of the gate, if placed on the side facing the pool. The gate and barrier shall have no opening greater than ½-inch within 18 inches of the latch release otherwise made inaccessible from the outside to small children.

(Prior Code, § 153.01) (Am. Ord. 715, passed 6-18-2007) Penalty, see § 10.99

§ 153.02 PROTECTIVE DEVICES.

(A) The pool structure of above ground pools may serve as the enclosure and, if less than 4 feet in height, a barrier mounted on top of the pool in conformance with the specifications provided in § 153.01, shall be added to comply with the minimum 4 feet height requirement.

(B) If the property surrounding the above ground pool is not enclosed as specified herein, the

steps or ladder shall be enclosed as shown in Figure 1. below with a fence of minimum height of 4 feet constructed in conformance with the specifications provided in § 153.01.

(Prior Code, § 153.02) (Am. Ord. 715, passed 6-18-2007)

§ 153.03 FENCE SPECIFICATIONS.

(A) Fences must be 4 feet above ground, measured on the side of the fence which faces away from the pool. Solid fences shall have no indentations or protrusions other than normal construction tolerances and masonry joints. The tops of a fence made of horizontal and vertical members, as shown in Figure 2. below shall be constructed with the following specifications:

(1) If the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be on the swimming pool side of the fence. The spacing of the vertical members shall not exceed $1\frac{3}{4}$ inches. If there are any decorative cutouts in the fence, the space within the cutouts shall not exceed $1\frac{3}{4}$ inches.

(2) If the distance between the tops of the horizontal members is more than 45 inches, the horizontal members may be on the side of the fence facing away from the pool. If the distance is less than 45 inches, the horizontal member shall be placed on the side of the fence facing the pool. The spacing between vertical members shall not exceed 4 inches. If there are any decorative cutouts in the fence, the space within the cutouts shall not exceed $1\frac{3}{4}$ inches.

(3) For a chain link fence the mesh size shall not exceed $1\frac{1}{4}$ inches square unless slats, fastened at the top or bottom of the fence, are used to reduce mesh openings to no more than $1\frac{3}{4}$ inches.

(4) For a fence made up of diagonal members latticework the maximum opening in the lattice shall not exceed $1\frac{3}{4}$ inches.

(B) Natural barriers such as hedges shall not be considered as an adequate fence enclosure as specified in § 153.01. All fence enclosures shall be of a permanent nature and shall be child proof for children 5 years and younger.

(Ord. 715, passed 6-18-2007)

§ 153.04 PERMIT REQUIRED.

No swimming pool as herein defined shall be constructed after the effective date of this chapter without first having obtained a construction permit therefor on a form provided by the Village Clerk. (Prior Code, § 153.03) (Am. Ord. 715, passed 6-18-2007) Penalty, see § 10.99

§ 153.05 COMPLIANCE; EXISTING POOLS.

Owners of land where there is presently situated an above or below ground swimming pool shall have a period of 2 years from the effective date hereof to comply with the terms of this chapter.

(ILCS Ch. 65, Act 5, § 11-30-9) (Prior Code, § 153.04) (Ord. 455, passed 10-2-1995; Am. Ord. 715, passed 6-18-2007)

CHAPTER 154: FLOOD HAZARD AREAS

Section

- 154.01 Purpose
- 154.02 Duties of the Building Inspector
- 154.03 Definitions
- 154.04 Base flood elevation
- 154.05 Development permit
- 154.06 Preventing increased damages
- 154.07 Protecting buildings
- 154.08 Other development requirements
- 154.09 Variances
- 154.10 Disclaimer of liability
- 154.11 Abrogation and greater restrictions

154.99 Penalty

Cross-reference:

Zoning Code, see Ch. 156

§ 154.01 PURPOSE.

This chapter is enacted pursuant to the police powers granted to this village by ILCS Ch. 65, Act 5, §§ 11-12-12, 11-30-2, 11-30-8, and 11-31-2, in order to accomplish the following purposes:

- (A) To prevent unwise developments from increasing the flood or drainage hazards to others;
- (B) To protect new buildings and major improvements to buildings from flood damage;
- (C) To protect human life and health from the hazards of flooding;

(D) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;

(E) To maintain property values and a stable tax base by minimizing the potential for creating flood-blighted areas; and

(F) To make federally subsidized flood insurance available for property in the village by fulfilling the requirements of the National Flood Insurance Program.

(Prior Code, § 154.01) (Ord. 304, passed 6-2-1986; Am. Ord. 331, passed 11-16-1987; Am. Ord. 336, passed 2-1-1988)

§ 154.02 DUTIES OF THE BUILDING INSPECTOR.

The Building Inspector shall be responsible for the general administration and enforcement of this chapter, including, but not limited to, the following duties:

(A) Ensure that all development activities within the SFHAs of the jurisdiction of the village meet the requirements of this chapter;

(B) Provide information and assistance to citizens upon request about permit procedures and flood plain construction techniques;

(C) Ensure that construction authorization has been granted by the Illinois Department of Transportation, Division of Water Resources, for all development projects subject to § 154.06, and maintain a record of the authorization;

(D) Maintain a record of the as built elevation of the lowest floor (including basement) of all buildings subject to § 154.07;

(E) Maintain a record of the engineer's certificate and the as built floodproofed elevation of all buildings subject to § 154.07(B)(3);

(F) Inspect all development projects to ensure they comply with the provisions of this chapter;

(G) Cooperate with state and federal flood plain management agencies to improve base flood and floodway data and to improve the administration of this chapter. Submit reports as required for the National Flood Insurance Program; and

(H) Maintain for public inspection and furnish upon request base flood data, SFHA maps, copies of federal or state permit documents, and as built elevation and floodproofing data for all buildings constructed subject to this chapter.

(Prior Code, § 154.02) (Ord. 304, passed 6-2-1986; Am. Ord. 331, passed 11-16-1987; Am. Ord. 336, passed 2-1-1988)

§ 154.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASE FLOOD or **100-YEAR FLOOD.** The flood having a 1% probability of being equaled or exceeded in any given year. The base flood elevation at any location is as defined in § 154.04.

BUILDING. A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, a travel trailer installed on a site for more than 180 days, or a prefabricated building.

DEVELOPMENT.

(1) Any manmade change to real estate, including:

- (a) Construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000;
- (b) Installing 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;
- (c) Installing utilities, construction of roads, or similar projects;
- (d) Construction or erection of levees, walls, fences, bridges, or culverts;
- (e) Drilling, mining, filling, dredging, grading, excavating, or other nonagricultural alterations of the ground surface;
- (f) Storage of materials; and/or
- (g) Any other activity that might change the direction, height, or velocity of flood or surface waters.

(2) **DEVELOPMENT** does not include:

- (a) Maintenance of existing buildings and facilities, such as re-roofing or re-surfacing roads; and/or
- (b) Gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

FLOOD. A general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD PROTECTION ELEVATION or **FPE.** The elevation of the base flood plus 1 foot at any given location in the SFHA.

FLOODWAY. The portion of the SFHA required to store and convey the base flood. The floodway is generally identified on the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency.

RIVERINE SFHA. Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel. This term does not include areas subject to flooding from lakes (except public bodies of water), ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

SPECIAL FLOOD HAZARD AREA or **SFHA.** Those lands within the jurisdiction of the village that are subject to inundation by the base flood. The SFHAs of the village are generally identified as such on the Flood Insurance Rate Map of the village prepared by the Federal Emergency Management Agency. The SFHAs of those parts of unincorporated Macon County that are within the extraterritorial jurisdiction of the village or that may be annexed into the village are generally identified

as such on the Flood Insurance Rate Map prepared for Macon County by the Federal Emergency Management Agency and dated 12-4-1984.

(Prior Code, § 154.03) (Ord. 304, passed 6-2-1986; Am. Ord. 331, passed 11-16-1987; Am. Ord. 336, passed 2-1-1988)

§ 154.04 BASE FLOOD ELEVATION.

(A) This chapter's protection standard is the base flood. The best base flood data are listed below. Whenever a party disagrees with the best available data, he or she may finance the detailed engineering study needed to replace existing data with better data and submit it to the State Water Survey and the Federal Emergency Management Agency for approval.

(B) The base flood elevation for the SFHAs of Stevens Creek shall be delineated on the 100-year flood profiles in the Preliminary Flood Insurance Study of the village prepared by the Federal Emergency Management Agency.

(C) The base flood elevation for each of the remaining SFHAs delineated as an unnumbered A Zone on the Flood Insurance Rate Map of the village shall be according to the best data available to the Illinois State Water Survey Floodplain Information Repository. When no base flood elevation exists, the base flood elevation shall be the 100-year flood depth calculated according to the formulae presented in Depth and Frequency of Floods in Illinois published by the U.S. Geological Survey, 1976.

(D) The base flood elevation for the SFHAs of those parts of unincorporated Macon County that are within the extraterritorial jurisdiction of the village or that may be annexed into the village shall be as delineated on the 100-year profiles in the Flood Insurance Study of Macon County prepared by the Federal Emergency Management Agency and dated 12-4-1984.

(Prior Code, § 154.04) (Ord. 304, passed 6-2-1986; Am. Ord. 331, passed 11-16-1987; Am. Ord. 336, passed 2-1-1988)

§ 154.05 DEVELOPMENT PERMIT.

(A) No person, firm, corporation, or governmental body not exempted by state law, shall commence any development in the SFHA without first obtaining a development permit from the Building Inspector. The Building Inspector shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

(B) The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and shall include the following:

- (1) Existing grade elevations and all changes in grade resulting from excavation or filling;
- (2) The location and dimensions of all buildings and additions to buildings; and

(3) The elevation of the lowest floor (including basement) of all buildings subject to the requirements of § 154.07.

(C) Upon receipt of an application for a development permit, the Building Inspector shall compare the elevation of the site to the base flood elevation. Any development to be located on land that can be shown to have been higher than the base flood elevation in the Preliminary Flood Insurance Study is not in the SFHA and therefore not subject to the requirements of this chapter. The Building Inspector shall maintain dated documentation of the existing ground elevation at the development site.

(D) The Building Inspector shall inform the applicant of any and all other local, state, and federal permits that may be required for this type of development activity. The Building Inspector shall not issue the development permit unless all required federal and state permits have been obtained. (Prior Code, § 154.05) (Ord. 304, passed 6-2-1986; Am. Ord. 331, passed 11-16-1987; Am. Ord. 336, passed 2-1-1988) Penalty, see § 154.99

§ 154.06 PREVENTING INCREASED DAMAGES.

(A) No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity, or threat to public health and safety.

(B) Within the floodway identified in § 154.03, the following standards shall apply.

(1) Except as provided in § 154.06(B)(2) below, no development shall be allowed which acting in combination with existing or future similar works, will cause any increase in the base flood elevation. The specific development activities identified in § 154.06(C)(2) below, shall be considered as meeting this requirement.

(2) No increase in the base flood elevation may be permitted unless:

(a) The total cumulative effect on the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than 1 foot for the affected hydraulic reach of the stream and will not increase flood damages or potential flood damages;

(b) A permit has been issued by the Illinois Department of Transportation, Division of Water Resources, as required in § 154.06(C)(1) below; and/or

(c) For all projects involving channel modifications or fill (including levees), the village shall submit sufficient data to the Federal Emergency Management Agency to revise the regulatory flood data.

(3) No manufactured home or travel trailer may be placed on a new site in an identified floodway.

(C) Within all other riverine SFHAs the following standards shall apply.

(1) In addition to the other requirements of this chapter, a development permit for a site located in a floodway (or in a riverine SFHA where no floodway has been identified) shall not be issued unless the applicant first obtains a permit or written documentation that the permit is not required from the Illinois Department of Transportation, Division of Water Resources, issued pursuant to ILCS Ch.

(2) The following activities may be constructed without the individual permit required in division (C)(1) above, in accordance with statewide permits issued by the Illinois Department of Transportation, Division of Water Resources, provided the activities do not involve placement of fill, change of grade, or construction in the normal channel. The activities must still meet the other requirements of this chapter:

(a) The construction of wells, septic tanks, and underground utility lines not crossing a lake or stream;

(b) The construction of light poles, sign posts, and similar structures;

(c) The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar surfaces which are built at grade;

(d) The construction of properly anchored, walled, open structures such as playground equipment, pavilions, and carports;

(e) The placement of properly anchored buildings not exceeding 70 square feet in size, nor 10 feet in any dimension such as animal shelters and tool sheds; and

(f) The construction of additions to existing buildings which do not increase the first floor area by more than 20%, which are located on the upstream or downstream side of the existing building, and which do not extend beyond the sides of the existing building that are parallel to the flow of flood water.

(3) The total cumulative effect of the proposed development when combined with all other existing and anticipated development, will not increase the base flood elevation more than 1 foot for the affected hydraulic reach of the stream and will not increase flood damage or potential flood damage.

(D) The following public health standards shall apply in all SFHAs.

(1) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE unless the materials are stored in a storage tank or floodproofed building constructed according to the requirements of § 154.07(B)(3).

(2) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other aboveground openings located below the FPE are watertight. (Prior Code, § 154.06) (Ord. 304, passed 6-2-1986; Am. Ord. 331, passed 11-16-1987; Am. Ord. 336, passed 2-1-1988) Penalty, see § 154.99

§ 154.07 PROTECTING BUILDINGS.

(A) In addition to the damage prevention requirements of § 154.06, all buildings to be located in the SFHA shall be protected from flood damage below the FPE. This building protection requirement

applies to the following situations:

- (1) Construction or placement of a new building valued at more than \$1,000;
- (2) Structural alterations made to an existing building that increase the floor area by more than 20%, or the market value by more than 50%;
- (3) Reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building before the damage occurred; and
- (4) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.

(B) This building protection requirement may be met by any 1 of the following methods. Building Inspector shall maintain a record of compliance with these building protection standards required in § 154.02.

(1) A residential or nonresidential building may be constructed on permanent land fill in accordance with the following.

- (a) The fill shall be placed in layers no greater than 1 foot deep before compaction.
- (b) The lowest floor, including basement, shall be at or above the FPE. The fill should extend at least 10 feet beyond the foundation of the building before sloping below the FPE.
- (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, rip rap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
- (d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(2) A residential or nonresidential building may be elevated in accordance with the following.

- (a) The building or improvements shall be elevated on stilts, piles, walls, crawl space, or other foundation that is permanently open to flood waters and not subject to damage by hydrostatic pressures associated with the base flood.
- (b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjacent structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.
- (c) All areas below the FPE shall be constructed of materials resistant to flood damage. The lowest floor, including basement, and all utility meters shall be located at or above the FPE. Beneath the lowest elevated floor of an elevated residential building, all electrical, plumbing, ventilating, heating, and air conditioning equipment, related ductwork, and utility meters shall be located at or above the FPE.

(d) No area below the FPE shall be used for storage of items or materials subject to flood damage, unless those items or materials are declared “property not covered” by a Standard Flood Insurance Policy of the National Flood Insurance Program.

(3) Manufactured homes and travel trailers to be installed on a site for more than 180 days shall be:

(a) Elevated at or above the FPE; and

(b) Anchored to resist flotation, collapse, or lateral movement by being tied-down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to ILCS Ch. 210, Act 120, §§ 1 to 7.

(4) Only a nonresidential building may be floodproofed in accordance with the following.

(a) A registered professional engineer shall certify that the building has been designed so that, below the FPE, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice.

(b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(Prior Code, § 154.07) (Ord. 304, passed 6-2-1986; Am. Ord. 331, passed 11-16-1987; Am. Ord. 336, passed 2-1-1988) Penalty, see § 154.99

§ 154.08 OTHER DEVELOPMENT REQUIREMENTS.

(A) The Board of Trustees shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use, and development.

(B) New subdivisions, manufactured home parks, annexation agreements, planned unit developments (PUDs), and additions to manufactured home parks and subdivisions shall meet the requirements of §§ 154.06 and 154.07. Plats or plans for new subdivisions, manufactured home parks, and planned unit developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plans account for changes in the drainage of surface waters in accordance with S.H.A. Ch. 109, § 2.

(C) Proposals for new subdivision, manufactured home parks, planned unit developments (PUDs), and additions to manufactured home parks and subdivisions shall include base flood elevation data. Where the base flood elevation is not available from an existing study filed with the Illinois State Water Survey, the applicant shall be responsible for calculating the base flood elevation and submitting it to the State Water Survey for review and approval as best available elevation data.

(Prior Code, § 154.08) (Ord. 304, passed 6-2-1986; Am. Ord. 331, passed 11-16-1987; Am. Ord. 336, passed 2-1-1988)

§ 154.09 VARIANCES.

(A) Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Building Inspector for a variance. The Building Inspector shall review the applicant's request for a variance and shall submit its recommendation to the Board of Trustees. The Board of Trustees may attach the conditions to granting of a variance as it deems necessary to further the intent of this chapter.

(B) No variance shall be granted unless the applicant demonstrates that:

- (1) The development activity cannot be located outside the SFHA;
- (2) An exceptional hardship would result if the variance were not granted;
- (3) The relief requested is the minimum necessary;
- (4) There will be no additional threat to public health or safety, or creation of a nuisance;
- (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities; and
- (6) The provisions of §§ 154.05(D) and 154.06(B) can be met.

(C) The Building Inspector shall notify an applicant in writing that a variance from the requirements of § 154.07 which would lessen the degree of protection to a building, will:

- (1) Result in increased premium rates for flood insurance, up to amounts as high as \$25 for \$100 of insurance coverage;
- (2) Increase the risks to life and property; and/or
- (3) Require that the applicant proceed with knowledge of these risks, and that he or she will acknowledge in writing that he or she assumes the risk and liability.

(D) Variances to the building protection requirements of § 154.07 requested in connection with the reconstruction, repair, or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of division (A) above.

(Prior Code, § 154.09) (Ord. 304, passed 6-2-1986; Am. Ord. 331, passed 11-16-1987; Am. Ord. 336, passed 2-1-1988)

§ 154.10 DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by manmade or natural causes. This chapter does not imply that development either inside or outside of the SFHA will be free from

flooding or damage. This chapter does not create liability on the part of the village or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

(Prior Code, § 154.10) (Ord. 304, passed 6-2-1986; Am. Ord. 331, passed 11-16-1987; Am. Ord. 336, passed 2-1-1988)

§ 154.11 ABROGATION AND GREATER RESTRICTIONS.

(A) This chapter does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

(B) Where this chapter and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Prior Code, § 154.11) (Ord. 304, passed 6-2-1986; Am. Ord. 331, passed 11-16-1987; Am. Ord. 336, passed 2-1-1988)

§ 154.99 PENALTY.

(A) Failure to obtain a permit for development in the SFHA or failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this chapter. Upon due investigation, the Building Inspector may determine that a violation of the minimum standards of this chapter exists. The Building Inspector shall notify the owner in writing of the violation. If the owner fails after 10-days notice to correct the violation:

(1) The village may make application to the circuit court for an injunction requiring conformance with this chapter or make the other order as the court deems necessary to secure compliance with the chapter;

(2) Any person who violates this chapter shall, upon conviction thereof, be fined not less than \$25 nor more than \$200; and

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(B) The Building Inspector shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

(C) Nothing herein shall prevent the village from taking the other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(Prior Code, § 154.99) (Ord. 304, passed 6-2-1986; Am. Ord. 331, passed 11-16-1987; Am. Ord. 336, passed 2-1-1988)

CHAPTER 155: LAND SUBDIVISION REGULATIONS

Section

155.01 Adoption by reference

§ 155.01 ADOPTION BY REFERENCE.

The village's land subdivision regulations are hereby adopted by reference and incorporated herein as if set out in full.

(Am. Ord. 506, passed 8-3-1998; Am. Ord. 598, passed 5-19-2003; Am. Ord. 602, passed 7-7-2003)

CHAPTER 156: ZONING CODE

Section

156.01 Adoption by reference

§ 156.01 ADOPTION BY REFERENCE.

The village's zoning code is hereby adopted by reference and incorporated herein as if set out in full.

(Am. Ord. 497, passed 11-17-1997; Am. Ord. 511, passed 11-2-1998; Am. Ord. 525, passed 3-6-2000; Am. Ord. 531, passed 6-19-2000; Am. Ord. 543, passed 3-19-2001; Am. Ord. 545, passed 5-21-2001; Am. Ord. 546, passed 5-21-2001; Am. Ord. 573, passed 7-1-2002; Am. Ord. 580, passed 10-21-2002; Am. Ord. 592, passed 4-7-2003; Am. Ord. 603, passed 7-7-2003; Am. Ord. 623, passed 7-6-2004; Am. Ord. 666, passed 11-3-2005)

CHAPTER 157: COMPREHENSIVE PLAN

Section

157.01 Adoption by reference

§ 157.01 ADOPTION BY REFERENCE.

The comprehensive plan, revised on 6-21-1990 and 9-16-2002, a copy of which is attached to Ordinance 362, is adopted as the comprehensive plan for the village, and is made a part of this code by reference.

(Prior Code, § 155.01) (Ord. 362, passed 7-23-1990; Ord. passed 9-16-2002)