

TITLE 15: BUILDINGS AND CONSTRUCTION¹

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CHAPTER 15.02: HOUSING CODE

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Cross reference:

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§ 15.02.010 TITLE.

This Chapter of the City's Code of Ordinances may be referred to as the "Crest Hill Housing Code." (Ord. 1034, passed 7-21-97)

§ 15.02.011 PURPOSE.

The purpose of this Chapter of the Code of Ordinances to preserve and protect the health, welfare and safety of the citizens of the city; to provide necessary, yet less intrusive, regulation of dwellings,

structures and land for the purpose of maintaining the public health and safety, to provide minimum housing standards for continued occupancy of structures and dwellings, and to set forth the rights and responsibility of those in charge of structures, dwellings and land.

(Ord. 1034, passed 7-21-97)

§ 15.02.020 DEFINITIONS.

(A) For the purposes of this Chapter the following definitions shall apply unless the context clearly indicates a different meaning:

ACCESSORY STRUCTURE. A detached structure which is not used or intended to be used for living or sleeping by human occupants and which is located on or partially on any premise.

BASEMENT. A portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

BUILDING. Includes "structure" and shall be construed as if followed by the words "or part thereof."

BUILDING CODE AUTHORITY. The legally designated Administrator of the City Building and Zoning Codes and/or his authorized representative.

CELLAR. That portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CENTRAL HEATING SYSTEM. A single system supplying heat to one or more dwelling unit(s) or more than one room in a building.

CHIMNEY. A vertical masonry shaft of reinforced concrete, or other approved noncombustible, heat resistant material enclosing one or more flues, for the purpose of removing the by-products of combustion from solid, liquid or gaseous fuel.

DILAPIDATED. Fallen into partial ruin or decay.

DORMITORY. A room or group of rooms in any dwelling used for living and sleeping purposes by four or more persons.

DWELLING. Any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants; except that temporary housing as hereinafter defined shall not be regarded as a dwelling.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EGRESS. A place or means of entering or exiting a dwelling.

EXTERMINATION. The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing and making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized pest elimination methods approved by the state or other governmental entity with the authority to regulate the aforesaid.

FAMILY. One adult person plus one more persons who are immediately related to the adult and residing in the same dwelling unit. **FAMILY** shall not include any cousins of the second blood or beyond.

FLUSH WATER CLOSET. A toilet bowl flushed with water under pressure with a water sealed trap above the floor level.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food.

GUEST. Any person who shares a dwelling unit in a nonpermanent status for not more than 30 days.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than 50 square feet of floor space, foyers or common corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas in unheated or uninsulated parts of structure below ground level or in attics.

HEATED WATER. Water heated to a temperature of not less than 120°F at the outlet.

HOMEOWNERS' ASSOCIATION. Any group of residents within a defined subdivision or planned unit development consisting of single- or multi-family dwellings, where the group has been formally chartered in the subdivision or PUD covenants and/or declarations, or has been registered with the Illinois Secretary of State or other state agency.

HOUSEHOLD. A family and/or one or more unrelated persons, including servants, who share the same dwelling and use some or all of its cooking and eating facilities.

INFESTATION. The presence within or around a dwelling of any insects, rodents, or other pests.

KITCHEN. Any room containing any or all of the following equipment, or any area of a room within three feet of such equipment: sink and dish washer, stove, range or microwave over, refrigerator cabinets and/or shelves for storage of equipment and utensils and counter or table for food preparation.

KITCHENETTE. A small kitchen or an alcove containing cooking facilities.

MULTIPLE DWELLING. Any building containing more than two dwelling units and/or rooming units.

OCCUPANT. Any person living, sleeping, cooking or eating in, or having possession of a dwelling unit or a rooming unit; except that a guest will not be considered an occupant.

OPERATOR. Any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units, or rooming units are leased for occupancy.

OWNER. Any person who, alone or jointly or severally with others:

- (1) has legal or equitable title to any premise, dwelling or dwelling unit, or
- (2) is in charge, care, or control of any premise, dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner.

PERMISSIBLE OCCUPANCY. The maximum number of persons permitted to reside in a dwelling unit or rooming unit.

PERSON. Any individual, firm, corporation, association partnership or other legal entity.

PLUMBING. Includes all of the following supplied facilities and equipment; gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets pipes, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, and the installation thereof, together with all connections to water, sewer, or gas lines.

PREMISES. A platted lot or part thereof, or an unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or other structure, including any such building, accessory structure or other structure thereon.

PRIVACY. The existence of such conditions that a person to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted persons.

RAT HARBORAGE. Any place where rats can live, nest, or see or seek shelter.

RAT PROOF. Any form of construction which will prevent the ingress or egress of rats to or from a given space or building, or gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rats by climbing, burrowing or other methods, by the use of materials impervious to rat gnawing and other methods approved by the Building Code Authority.

REFUSE. All putrescible and non-putrescible solids (except fecal matter and animal carcasses) including garbage, rubbish and ashes.

REFUSE CONTAINER. A water-tight container that is construed of durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers approved by the Building Code Authority. Openings into the container such as covers and doors shall be tight-fitting.

ROOMING UNITS. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.

RUBBISH. Non-putrescible solid wastes (excluding ashes) consisting of either:

- (1) combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood;

or

- (2) non-combustible wastes such as tin cans, glass and crockery.

SAFETY. The condition of being free from danger and hazards which may cause accidents or disease.

SPACE HEATER. A self-contained, heating appliance of either the circulating type or the radiant type and intended primarily to heat only one room.

TEMPORARY HOUSING. Any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and which is not permanently affixed to the same premises for more than 30 consecutive days.

(B) When a question arises as to the specific performance criteria which applies to any requirement or performance standard of this Chapter, the codes and ordinances of the city shall first be used for the interpretation of the requirements and the interpretation of this Chapter.

(C) Whenever the terms dwelling, dwelling unit, rooming units, premises, and structures are used herein, they shall be construed as they were followed by the phrase "or any part thereof."

(D) Words used herein in the singular shall be interpreted to include the plural, the plural the singular, the masculine to include feminine, and the feminine the masculine.
(Ord. 1034, passed 7-21-97; Am. Ord. 1406, passed 6-19-06)

§ 15.02.021 CONFORMANCE WITH BOCA PROPERTY MAINTENANCE CODE.

(A) Maintenance of existing structures, in addition to compliance with all other applicable provisions of the Municipal Code, shall conform to the Building and Code Administrators (BOCA) International Property Maintenance Code, 2000 edition or latest. Where applicable, the fee schedules imposed by Chapter 15.08 of the Crest Hill Municipal Code shall be imposed when maintenance is performed under the BOCA Property Maintenance Code. Fines and penalties, where noted in the BOCA Property Maintenance Code, shall be imposed generally in accordance with Chapter 1.12 of the Crest Hill Municipal Code.

(B) The Crest Hill Building Commissioner, the Crest Hill Code Enforcement Officer, and their designees, shall administer the BOCA Property Maintenance Code.
(Ord. 1210, passed 10-15-01)

§ 15.02.022 CONFORMANCE WITH BOCA MECHANICAL CODE.

(A) New construction and maintenance of existing structures, in addition to compliance with all other applicable provisions of the Municipal Code, shall conform to the Building and Code Administrators (BOCA) Mechanical Code, 2000 edition or latest. Where applicable, the fee schedules imposed by Chapter 15.08 of the Crest Hill Municipal Code shall be imposed when maintenance is performed under the BOCA Mechanical Code. Fines and penalties, where noted in the BOCA Mechanical Code, shall be imposed generally in accordance with Chapter 1.12 of the Crest Hill Municipal Code.

(B) The Crest Hill Building Commissioner, the Crest Hill Code Enforcement Officer, and their designees, shall administer the BOCA Property Maintenance Code.
(Ord. 1210, passed 10-15-01)

§ 15.02.023 CONFORMANCE WITH BOCA RESIDENTIAL CODE.

(A) Maintenance of existing structures and construction of new or remodeled structures, in addition to compliance with all other applicable provisions of the Municipal Code, shall conform to the Building and Code Administrators (BOCA) International Fire Code, 2000 edition or latest. Where applicable, the fee schedules imposed by Chapter 15.08 of the Crest Hill Municipal Code shall be imposed when maintenance is performed under the BOCA Fire Code. Fines and penalties, where noted in the BOCA Fire Code, shall be imposed generally in accordance with chapter 1.12 of the Crest Hill Municipal Code.

(B) The Crest Hill Building Commissioner, the Crest Hill Code Enforcement Officer, and their designees, shall administer the BOCA Fire Code.
(Ord. 1210, passed 10-15-01)

§ 15.02.024 CONFORMANCE WITH BOCA FIRE CODE.

(A) Maintenance of existing structures and construction of new or remodeled structures, in addition to compliance with all other applicable provisions of the Municipal Code, shall conform to the Building and Code Administrators (BOCA) International Fire Code, 2000 edition or latest. Where applicable, the fee schedules imposed by Chapter 15.08 of the Crest Hill Municipal Code shall be imposed when maintenance is performed under the BOCA Fire Code. Fines and penalties, where noted in the BOCA Fire Code, shall be imposed generally in accordance with chapter 1.12 of the Crest Hill Municipal Code.

(B) The Crest Hill Building Commissioner, the Crest Hill Code Enforcement Officer, and their designees, shall administer the BOCA Fire Code.
(Ord. 1210, passed 10-15-01)

§ 15.02.025 CONFORMANCE WITH BOCA FUEL GAS CODE.

(A) Maintenance of existing structures, and construction of new and remodeled structures, in addition to compliance with all other applicable provisions of the Municipal Code, shall conform to the Building and Code Administrators (BOCA) International Fuel Gas Code, 2000 edition or latest. Where applicable, the fee schedules imposed by Chapter 15.08 of the Crest Hill Municipal Code shall be imposed when maintenance is performed under the BOCA Fuel Gas Code. Fines and penalties, where noted in the BOCA Fuel Gas Code, shall be imposed generally in accordance with chapter 1.12 of the Crest Hill Municipal Code.

(B) The Crest Hill Building Commissioner, the Crest Hill Code Enforcement Officer, and their designees, shall administer the BOCA Fuel Gas Code.
(Ord. 1210, passed 10-15-01)

§ 15.02.026 CONFORMANCE WITH BOCA ENERGY CONSERVATION CODE.

(A) Construction of new or remodeled structures, in addition to compliance with all other applicable provisions of the Municipal Code, shall conform to the Building and Code Administrators (BOCA) International Energy Conservation Code, 2000 edition or latest. Where applicable, the fee schedules imposed by Chapter 15.08 of the Crest Hill Municipal Code shall be imposed when maintenance is performed under the BOCA Energy Conservation Code. Fines and penalties, where noted in the BOCA Energy Conservation Code, shall be imposed generally in accordance with chapter 1.12 of the Crest Hill Municipal Code.

(B) The Crest Hill Building Commissioner, the Crest Hill Code Enforcement Officer, and their designees, shall administer the BOCA Energy Conservation Code.
(Ord. 1210, passed 10-15-01)

§ 15.02.27 CONFORMANCE WITH BOCA PRIVATE SEWAGE DISPOSAL CODE.

(A) Construction of new or remodeled structures and maintenance of existing structures, in addition to compliance with all other applicable provisions of the Municipal Code, shall conform to the Building and Code Administrators (BOCA) International Private Sewage Disposal Code, 2000 edition or latest. Where applicable, the fee schedules imposed by Chapter 15.08 of the Crest Hill Municipal Code shall be imposed when maintenance is performed under the BOCA Private Sewage Disposal Code. Fines and penalties, where noted in the BOCA Private Sewage Disposal Code, shall be imposed generally in accordance with Chapter 1.12 of the Crest Hill Municipal Code.

(B) The Crest Hill Building Commissioner, the Crest Hill Code Enforcement Officer, and their designees, shall administer the BOCA Private Sewage Disposal Code. Provided, however, that nothing in this section shall repeal and override other provisions of the Crest Hill Municipal Code or other existing Crest Hill ordinances prohibiting the use of privy vaults and construction of new septic tanks and fields in the city.

(Ord. 1210, passed 10-15-01)

§ 15.02.030 OWNER PERFORMANCE RESPONSIBILITIES.

(A) No owner shall occupy or lease any dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy, and in compliance with all provisions of this chapter.

(B) Every owner of a building containing two or more dwelling units shall maintain in a clean and sanitary condition the common areas of the dwelling and premises thereof.

(Ord. 1034, passed 7-21-97)

§ 15.02.040 OCCUPANT PERFORMANCE RESPONSIBILITIES.

(A) Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition the parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

(B) Every occupant of dwelling or dwelling unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner.

(C) Every occupant of a dwelling or dwelling unit shall store and dispose of all his garbage and any other organic waste which might provide food for insects and/or rats, in a clean, sanitary and safe manner. Rat proof, insect-proof, water-tight refuse containers shall be used for storage pending collection.

(Ord. 1034, passed 7-21-97)

§ 15.02.050 RUBBISH, REFUSE DISPOSAL.

(A) Every owner of a structure containing three or more dwelling units shall be responsible for supplying or refuse containers for the sanitary and safe storage and disposal of rubbish and garbage. In the case of a single or two family dwelling it shall be the responsibility of the occupant to supply refuse containers.

(B) No owner or occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other material in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit. Stored materials shall be stacked neatly in piles elevated at least 18 inches above the ground or floor.

(C) No owner of a dwelling containing three or more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about the common areas of the premises.

(D) No owner or occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials that may serve as food for rats in a site accessible to rats.

(E) Every occupant of a dwelling unit shall keep all fixtures and facilities therein in a clean, sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(Ord. 1034, passed 7-21-97)

§ 15.02.060 HEAT STANDARDS FOR NON-OWNER OCCUPIED DWELLING UNITS.

From September 1 until June 15 of each year, in every dwelling unit and/or rooming unit when the control of the level of heat supplied is set by a person other than the occupant thereof, a minimum room temperature of not less than 68° F shall be maintained in all habitable spaces of the dwelling unit and/or rooming unit during the hours of 6:30 a.m. to 10:30 p.m. each day. During the hours of 10:30 p.m. to 6:30 a.m. each day, a minimum room temperature of 63° F shall be maintained.

(A) Notwithstanding the aforesaid, when the outdoor temperature fall below 0° F, and the heating system supplying a dwelling unit and/or rooming unit is operating at its full capacity constantly, a minimum room temperature of 63° F shall be maintained at all times.

(B) For purposes of this section, the room temperature shall be measured at a point three feet above the floor and three feet from an exterior wall.

(Ord. 1034, passed 7-21-97; Am. Ord. 1311, passed 1-17-04)

§ 15.02.070 MINIMUM STANDARDS FOR BASIC RESIDENTIAL EQUIPMENT AND FACILITIES.

No person shall occupy as owner, occupant or lease for occupancy any dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

(A) *Kitchen.* Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have proper air circulation and be equipped with the following:

(1) A kitchen sink in good working condition and properly connected to the city water system and with plumbing providing adequate amount of heated and unheated running water under pressure, and which is connected to the city sewer system;

(2) A stove and range top for cooking food, and refrigerator for the safe storage of food at temperatures less than 50° F but more than 32° F, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove or refrigerator need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of the stove or refrigerator are provided.

(B) *Water closet.* Within every dwelling unit there shall be a non-habitable room affording privacy to a person within and which is equipped with a flush water closet and lavatory in good working

condition. The flush water closet shall be equipped with easily cleanable surfaces, provide an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be connected to the City Sanitary Sewer System. The lavatory shall be properly connected to the City Water and Sewer System and provide adequate amount of heated and unheated running water under pressure.

(C) Bath/shower. Within in every dwelling unit there shall be a room which affords privacy to a person within the room and which is equipped with a bathtub or shower in good working condition. The bathtub or shower shall be properly connected to the City Sewer and Water System and provides an adequate amount of heated and unheated water under pressure.

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(D) Egress.

(1) Size standards. Every dwelling unit shall have approved dual means of egress, with a minimum height of 80 inches, leading to safe and open space at ground level. Every dwelling unit in a multiple dwelling shall have immediate access to two or more approved means of egress with minimum 80 inches, leading to safe and open space at ground level.

(2) Guardrails/porches. Structurally sound hand rails shall be provided any steps containing five risers or more. If steps are not enclosed on hand rails and balusters spaced no more than six inches apart shall be provided. Porches and/or balconies located more than three feet higher than ground level shall have structurally sound protective hand rails 30 to 36 inches high and, if enclosed, balusters spaced no less than six inches apart shall also be provided. Alternate systems may be approved by the Building Code Authority.

(3) Shared egress routes prohibited. Access to or egress from each dwelling unit shall be provided without passing through any other dwelling or dwelling unit.

(E) Storm windows/doors. The owner of a dwelling unit shall be responsible for providing and hanging all screens and storm doors and windows whenever the same are required under the provisions of this chapter or any rule or regulation adopted pursuant thereto, except where a lease provides the maintenance of the same when installed becomes the responsibility of the occupant.

(Ord. 1034, passed 7-21-97)

§ 15.02.080 MAXIMUM DENSITY, MINIMUM SPACE USE AND LOCATION REQUIREMENTS.

No person shall occupy or lease to be occupied any dwelling or dwelling unit, for the purpose of living therein, unless there is compliance with the requirements of this section.

(A) Permissible occupancy standards.

(1) The permissible occupancy of any dwelling unit shall not exceed, for the first occupant 150 square feet of floor space and at least 100 square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(2) Not more than one family, plus two occupants unrelated to the family, except guests or domestic employees, shall occupy a dwelling unit.

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(B) Minimum ceiling standards. The ceiling height of any habitable room shall be at least seven feet; except that in any habitable room under a sloping ceiling at least one half of the floor area shall have a ceiling height of at least seven feet, and the floor area of that part of such room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the permissible occupancy.

(C) Cellar/basement standards.

(1) No cellar space shall be used as a required habitable room or in computing the total floor area for the purpose of determining the minimum permissible occupancy of the dwelling or dwelling unit.

(2) No basement space shall be used as a habitable room or dwelling unit unless:

(a) The floor and walls are impervious to leakage by underground and surface runoff water and are damp-proofed.

(b) The total window area in each room is equal to at least the minimum window area sizes as required in § 15.02.090.

(c) The required minimum window area is located entirely above the grade of the ground adjoining such window area.

(d) The total openable window area in each room is equal to at least the minimum as required under § 15.02.090, except some other device affording ventilation is supplied and approved by the Building Code Authority.

(D) Minimum bedroom standards.

(1) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall contain at least 70 square feet of floor space for the first occupant and at least 50 square feet of floor space for each additional occupant thereof.

(2) No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can only be used by passing through another sleeping room; nor shall room arrangements be such that access to a sleeping room is by passing through another sleeping room. A bathroom or water closet compartment shall not be used as a passageway to any habitable room, hall, basement or cellar or to the exterior of the dwelling unit.

(Ord. 1034, passed 7-21-97)

§ 15.02.090 GENERAL REQUIREMENTS RELATING TO SAFE AND SANITARY MAINTENANCE.

No person shall occupy as owner, occupant or lease to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(A) Minimum structure standards. Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weather-tight, water-tight and damp-free, and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be sound and in good repair. All

exterior wood surfaces, other than decay-resistant woods, shall be painted or coated other protective covering or treatment. Walls shall be capable of affording privacy for the occupants. Every premises shall be graded, drained, free of standing water, and maintained in a clean, sanitary and safe condition.

(B) Minimum window/door standards. Every window, exterior door and hatchway or similar devices, shall be rodent-proof, insect-proof, reasonably water-tight and weather-tight and shall be kept in working condition and good repair.

(1) During the period beginning on the first day of June and ending on the last day of October in each year, every door opening directly from a dwelling unit to outdoor space is supplied with a screen of not less than 16 mesh per inch and a self-closing device in good operating condition and every window or other device with openings to outdoor space used or intended to be used for ventilation, is supplied with a screen of not less than 16 mesh per inch.

(2) Every basement or cellar window is supplied with a heavy wire screen of not larger than one-fourth inch mesh, which fits tightly and is securely fastened.

(C) Rat infestation prevention. Every dwelling, multiple dwelling, rooming house or accessory structure and the premises on which located shall be maintained in a rat-free and rat-proof condition.

(1) All opening in the exterior walls, foundations basements, ground or first floors and roofs which have a half-inch diameter or more opening shall be rat proofed in an approved manner if they are within 48 inches of the existing exterior ground level immediately below such openings, or if they may be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs and other items such as trees or vines or by burrowing.

(2) Skirting, lattice, or other non-rat-proofed enclosure creating a possible rat harborage under a porch or any portions of a building shall be rat-proofed at all locations where a rat could find, burrow, or gnaw an access opening.

(3) In the event that occupancy usages would result in stacking or piling materials, the materials shall be so arranged as to prohibit the creation of a rat harborage area. This can be accomplished by orderly stacking and elevating so that there will be at least an 18 inch opening between the material and the ground level. No stacking or piling of material shall take place on or near the exterior walls of the structure.

(4) All exterior doors, including swinging, sliding and folding types, shall be constructed so that the space between the lower edge of the door and the threshold shall not exceed three-eighths inch; provided further that the space between sections of folding and sliding doors when closed shall not exceed three-eighths inch.

(5) All sewers, pipes, drains, or conduits through which rats may pass shall be closed with a perforated metal cover properly secured. Perforations in the cover shall not exceed one-half inch in diameter.

(6) Skylights accessible to rats and squirrels shall be designated to fit tightly and shall be constructed of approved rat proof materials. Adjustable skylights which may be opened shall be screened with hardware cloth or expanded metal.

(7) Rat proof walls of concrete construction shall be required beneath the exterior wall of every building or enclosed part thereof and every enclosed shed, porch, bay or other enclosed structure which is not supported on a continuous masonry foundation wall.

(D) Fencing. All fencing provided by the owner and/or fences erected or caused to be erected by an occupant shall be constructed of manufactured metal fencing material, wood, masonry or other inert material. Fences shall be maintained in good condition.

(E) Accessory structures. Accessory structures present or provided by the owner or tenant occupant on the premises of a dwelling shall be structurally sound and be maintained in good repair and the of insects and rats, or such structure shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of paint or other preservatives.

(F) Load bearing components. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch and every appurtenance thereto, shall be safe to use and capable of supporting the normal use loads; and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and uniform treads.

(G) Sanitary facilities. Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(H) Minimum fire standards. All construction and materials, ways and means of egress and installation and use of equipment shall conform with the appropriate statutes, ordinances and regulations dealing with fire protection.
(Ord. 1034, passed 7-21-97)

§ 15.02.100 DISCONNECTION OF REQUIRED FACILITIES PROHIBITED.

No owner, or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit leased or occupied by him; except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Building Code Authority.
(Ord. 1034, passed 7-21-97)

§ 15.02.110 MINIMUM STANDARDS FOR LIGHT AND VENTILATION.

No person shall occupy as owner, occupant or lease to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the requirements of this section:

(A) Natural light standards. Every habitable room shall have at least one window or skylight facing outdoors provided that if connected to a room or area used seasonally (e.g. porch) then adequate daylight must be possible through this inter-connection. The minimum total window or skylight area, measured between stops for every habitable room shall be at least 10% of the floor area of such room.

(B) Ventilation standards. Every habitable room shall have at least one window or skylight facing directly outdoors which can be opened easily, or such other device as will ventilate the room adequately, provided that if connected to a room or area used seasonally then adequate ventilation must be possible through this inter-connection. The total of openable window or skylight area in every habitable room shall be equal or at least 45% of the minimum window area size or minimum skylight window size, as required in division (A) of this section except where there is supplied some other device affording adequate ventilation and approved by the Building Code Authority.

(C) Non-habitable room standards for light and ventilation. Every bathroom and water closet compartment, and non-habitable room used for food preparation, shall comply with the light and ventilation requirement for habitable rooms contained in this section, except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition, approved by the Building Code Authority.

(D) Electrical standards.

(1) Every dwelling unit and all public and common areas shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to an approved source of electric power.

(2) Every habitable room of such dwelling shall contain at least two separate floor or wall type electric convenience outlets or one convenience outlet and one supplied wall or ceiling type electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every outlet and fixture shall be properly installed and shall be connected to the source of electric power in a safe manner.

(3) Every dwelling or dwelling unit's electrical wiring shall comply with the following requirements:

(a) Every exposed electric wire has insulation which is in good condition.

(b) Every switch plate and outlet plate is properly fastened in position.

(c) No short circuit or break exists in any electric line.

(d) Every fixture and outlet functions properly and is properly fastened in place.

(e) No obvious shock hazard exists.

(f) No temporary wiring is used, except extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie underneath floor covering materials or extend through doorways, transoms or other similar apertures through structural elements.

(g) No electric circuit is overloaded as a result of connecting appliances which operate at high wattage to outlets supplied with wire of inadequate size.

(h) GFCI outlets installed were appropriate.

(E) Public/common area lighting standards. Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or electric light at all times, so as to provide at least one foot candle of light at the tread or floor level. Every public hall and stairway in structures containing not more than four dwelling units may be supplied with light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(Ord. 1034, passed 7-21-97)

§ 15.02.120 MINIMUM HEAT SUPPLY STANDARDS.

No person shall occupy as owner, occupant or lease to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(A) Heat supply standards. No dwelling or dwelling unit shall be deemed to comply with the requirements of this section unless:

(1) When the dwelling or dwelling unit is heated by a central heating system:

(a) The central heating unit is in good working condition.

(b) Every heat duct, steam pipe, and hot water pipe is free of leaks and functions so that adequate heat is delivered where intended.

(c) Every seal between the sections of a hot air furnace is in good repair.

(2) When the dwelling or dwelling unit is heated by space heaters:

(a) Every space heater burning solid, liquid or gaseous fuels is properly vented to a chimney or duct leading to outdoor space.

(b) Every coal burning space heater has a fire resistant panel beneath it.

(c) Every space heater located close to a wall is equipped with insulation sufficient to prevent overheating of the wall.

(d) Every space heater smoke pipe is equipped with guards made of metal or other non-flammable material at the point where the pipe goes through a wall, ceiling or partition.

(3) Portable space heaters burning solids, liquid or gaseous fuels are strictly prohibited as a heat source for dwellings or dwelling units.

(4) Every smoke pipe and every chimney is adequately supported, reasonably clean, and maintained in such condition that there will be no leakage or backing up of noxious gases.

(B) Exhaust standards for gas powered facilities. No dwelling or dwelling unit shall be deemed to comply with the requirements of this section unless:

(1) All gas-burning hot water heaters and space heaters are properly vented to a chimney or duct leading to outdoor space.

(2) Every gas pipe is sound and tight with no leaks.

(3) No gas supply is corroded or obstructed so as to reduce gas pressure or volume.

(4) Every gas appliance is connected to a gas supply with approved metal piping.

(5) Gas pressure is adequate to permit a proper constant flow of gas from all open gas valves.
(Ord. 1034, passed 7-21-97)

§ 15.02.125 RENTAL UNIT COMPLIANCE REQUIRED PRIOR TO LEASE.

It shall be unlawful for any owner or person to knowingly permit the occupancy of any leased or rented residential dwelling unit, or any part thereof, for any purpose, unless a valid code compliance letter has been issued by the Building Authority.

(A) This section shall be applicable to any and all properties in the city which are rented or leased for residential purposes on a monthly, quarterly or yearly basis. All areas of the dwelling to which the lessee or renter has access is subject to the provisions of this code.

(B) A fee of \$25 shall be charged for the compliance inspection of an unoccupied single family residence. A fee of \$40 shall be charged for the compliance inspection of an unoccupied apartment.

(1) The inspection fee for occupied residential units shall be double the aforesaid.

(2) Any additional inspection required due to non-compliance or a "no-show" shall be charged an additional \$50 fee.

(C) Any person or owner may request the reinspection of a residential unit for code compliance at any time. There shall be no fee charged for such a reinspection within the 12 months immediately following the last inspection.

(D) A code compliance letter shall be valid for a period of 60 days from the date of its issuance.

(E) The provisions of this section shall be effective as to dwelling units affected hereby upon a change in the occupancy of the dwelling unit. No code compliance letter shall be required for the current occupants of dwelling units.

(Ord. 1040, passed 10-20-97)

§ 15.02.130 INSPECTOR'S POWER AND DUTIES.

(A) Enforcement offices. The Building Authority shall enforce the provisions of this chapter and is hereby authorized and directed to make inspections and investigate complaints of alleged violations of the provisions of this chapter or of applicable rules and regulations pursuant thereto; or when the Building Authority has valid reason to believe that a violation of this chapter or any rules and regulations pursuant thereto has been or is being committed.

(B) Implied consent.

(1) The Building Authority is hereby authorized to enter and inspect all dwellings, dwelling units, rooming houses, rooming units and dormitory rooms and the premises surrounding such, for the purpose of determining whether the aforesaid is in compliance with the provisions of this Chapter.

(2) The owner, occupant or other person in charge of dwelling, dwelling unit, rooming unit, rooming house or dormitory room upon presentation of proper identification by the Building Authority shall provide him entry and free access to every part of the dwelling, dwelling unit, rooming unit or dormitory room or to the premises surrounding any of these at a reasonable time.

(C) The Building Authority shall collect all evidence which it may discover or obtain in the course of an inspection made pursuant to this section and such evidence shall not be unnecessarily disclosed.

(D) Refusal to allow inspection. Any person who refuses to allow inspection pursuant to § 15.02.130(B) is in violation of this chapter and subject to the penalties herein provided. (Ord. 1034, passed 7-21-97)

§ 15.02.140 NOTICE OF VIOLATION.

(A) Form of notice, service on person in control of premises. Whenever the Building Code Authority determines that any dwelling, dwelling unit or rooming unit, or the premises surrounding any of these, fails to meet the requirements set forth of this chapter or in applicable rules and regulations issued pursuant thereto, he shall issue a notice setting forth the alleged failures, and advising the owner, occupant, operator, or agent that such failures must be corrected. This notice shall:

(1) Be in writing.

(2) Set forth the alleged violations of this chapter or of applicable rules and regulations issued pursuant thereto.

(3) Describe the dwelling, dwelling unit or rooming unit where the violations are alleged to exist or to have been committed.

(4) Provide a reasonable time for the correction of any violation alleged.

(5) Be served upon the owner or occupant of the dwelling, dwelling unit, or rooming unit personally, or by certified mail, return receipt requested, addressed to the last known address of the owner or occupant. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice in or about the dwelling, dwelling unit or rooming unit described in the notice.

(6) Contain a notice of the time and place of hearing at which the owner and/or occupant can discuss the alleged violations and present evidence in regard to such.

(B) Reinspection. At the end of the period of time allowed for the correction of any violation alleged, the Building Code Authority shall reinspect the dwelling, dwelling unit or rooming unit described in the notice.

(C) Second notice of violation. If upon reinspection, the violations previously cited are determined by the Building Code Authority not to have been corrected, a second notice of violation shall issue which shall order the then existing failures to meet the requirements of this chapter to be corrected within a reasonable time after the date of such reinspection, if the person served with such notice does not request a reconsideration or petition for a hearing on the matter in the manner hereinafter provided.

(D) The Building Code Authority shall cause a copy of the second notice to be posted in a conspicuous place in or about the dwelling, dwelling unit or rooming unit where the violations are alleged to exist, and shall serve it in the manner provided above.

(Ord. 1034, passed 7-21-97)

§ 15.02.150 DESIGNATION OF UNFIT DWELLING, DWELLING UNITS, AND ROOMING UNITS.

(A) When premises is to be declared unfit. Any dwelling, dwelling unit, or rooming unit shall be designated as unfit for human habitation, when any of the following defects or conditions are found, and when, in the judgment of the Building Code Authority and after a hearing and subsequent reinspection these defects create hazard to the health, safety or welfare of the occupants or the public:

- (1) Is damaged, decayed, dilapidated, uninhabitable, unsanitary, unsafe or vermin infested.
- (2) Lacks illumination, ventilation, or required sanitary facilities.
- (3) The general condition, or location is unsanitary, unsafe or unhealthful.

(B) Notice and duty to vacate. Whenever any dwelling, dwelling unit, or rooming unit has been designated as unfit for human habitation, the Building Code Authority shall placard the dwelling, dwelling unit, or rooming unit, indicating that it is unfit for human habitation, and, if occupied, shall order the dwelling, dwelling unit, or rooming unit vacated within a reasonable time.

(C) Prohibition on re-occupancy. No dwelling, dwelling unit, or rooming unit which has been designated as unfit for human habitation and which has been placarded as such and has been vacated shall be not be used again for human habitation until written approval is secured from the Building Code Authority and the placard removed by the Building Code Authority.

(D) Standards for re-approval of occupancy. The Building Code Authority shall rescind the designation as unfit for human habitation and remove the placard when the defect or condition upon which such designation and such placarding was based has been removed or eliminated as to cause the dwelling, dwelling unit, or rooming unit to be safe, sanitary, and fit for human habitation.

(E) Removal of notice prohibited. No person shall deface or remove the placard from any dwelling, dwelling unit, or rooming unit which has been designated as unfit for human habitation and has been placarded as such expert as authorized in this section.

(F) Right to hearing to contest determination. Any person affected by any decision of the Building Code Authority or by any designation or placarding of a dwelling, dwelling unit, or rooming unit as unfit for human habitation shall be granted a hearing on the matter before the Building Code Authority under the procedure set forth in § 15.02.180.

(Ord. 1034, passed 7-21-97)

§ 15.02.160 DEMOLITION OF PREMISES DESIGNATED AS UNFIT FOR HUMAN HABITATION.

The Building Code Authority may order a dwelling, dwelling unit or rooming unit to be demolished if it has been designated as unfit for human habitation, has been placarded as such, has been vacated, has not been put in proper repair as to rescind the designation as unfit for human habitation and to cause the placard to be removed.

(A) Notice of order to demolish. The owner of any dwelling, dwelling unit, or rooming unit which has been ordered demolished, shall be given notice of this order in the manner provided for service of notice in this section and shall be ordered to complete the demolition within 15 days.

(B) Right to hearing on order. Any owner aggrieved by the notice to demolish may within five days seek a reconsideration of the matter in the manner hereinafter provided, and may seek a formal hearing in the manner provided in § 15.02.180.

(C) Court proceedings authorized. When the owner fails, neglects or refuses to demolish an unfit, unsafe or unsanitary dwelling, dwelling unit, or rooming unit within the requisite time, the Building Code Authority shall apply to a court of competent jurisdiction for a demolition order to undertake the demolition through the Office of the City Attorney. The cost of such demolition shall create a debt in favor of the city against such owner, and shall be recoverable in a civil action brought by the city which shall possess all the rights of a private creditor.

(D) Fill required. Whenever a dwelling is demolished, whether carried out by the owner or by the Building Code Authority or by any other person, agency, or department, such demolition shall include the filling in of the excavation remaining on the property on which the demolished dwelling was located, in such a manner as to eliminate all potential danger to the public health, safety, or welfare arising from such excavation, and including the proper abandonment of any wells and sewage disposal systems located on the property.

(E) When extermination required prior to demolition. All demolition shall be preceded by an inspection of the premises by the Building Code Authority to determine whether or not extermination procedures are necessary. If the premises are found to be infested, appropriate extermination to prevent spread of rats or insects to adjoining or other areas shall be instituted before, during and after demolition. (Ord. 1034, passed 7-21-97)

§ 15.02.170 EMERGENCY ORDERS.

(A) Whenever in the judgment of the Building Authority an emergency exists which requires immediate action to protect the public health, safety and welfare, an order may be issued, without notice, informal conference or hearing, directing the owner, occupant, operator or agent to take such action as is appropriate to correct or abate the emergency.

(B) The owner, occupant, operator or agent shall be granted an informal conference before the hearing board, on the matter upon request, as soon as practicable, but such request shall not stay the order directing abatement or correction of such emergency. (Ord. 1034, passed 7-21-97)

§ 15.02.180 APPEALS OF ORDERS.

(A) Right to hearing.

(1) Any person aggrieved by a notice issued in connection with any alleged violation of this chapter or of applicable rules and regulations issued pursuant thereto, or by the order requiring repair or demolition, may apply to the Building Code Authority for a reconsideration of such notice or order within 15 days after it has been issued, unless a shorter time period was previously promulgated herein.

(2) The Building Code Authority shall set a time and place for an informal conference on the matter within ten days of the receipt of such application and shall advise the applicant of such time and place in writing.

(3) At the informal conference, the applicant shall be permitted to present his/her grounds for believing that the order should be revoked or modified to one or more representatives of the Building Code Authority.

(4) Within ten days following the close of the informal conference the Building Code Authority shall advise the applicant whether or not it will modify or set aside the notice or order issued by the Building Code Authority.

(B) Right to appeal informal conference determination.

(1) Any person denied relief at the informal conference stage, may apply for a formal hearing seeking modification or reversal of the notice of violation, order for repair or demolition. The application shall be filed with the City Clerk's Office.

(2) The City Clerk shall set a time and place for the formal hearing within 15 days of the application, and shall advise the applicant in writing of the time and place of the formal hearing.

(3) The hearing board shall consist of the Mayor, an Alderman and the Chair of the Plan Commission. The City Attorney will advise the hearing board.

(4) The hearing board shall render a decision within 15 days of the hearing.
(Ord. 1034, passed 7-21-97)

§ 15.02.190 PENALTY.

Every person, firm, corporation, association or organization who violates any provision of this chapter shall be guilty of a violation of this chapter. Each day the violation continues shall constitute a separate offense. The general penalty provisions of the Code of Ordinances control fines to be assessed for a violation thereof.

(Ord. 1034, passed 7-21-97)

§ 15.02.200 HOMEOWNERS' ASSOCIATIONS.

(A) Any homeowners' association representing the residents of a subdivision or planned unit development that is located in whole or in part in the city must register with the City Clerk's office. At registration, the City Clerk shall require the following information:

(1) A copy of the covenants or declarations that created the homeowners' association, with the stamped document number showing recordation by the Will County Recorder of Deeds;

(2) If no covenants or declarations exist, a stamped copy of a certification by an agency of the state establishing the existence of the association;

(3) The names and addresses of all officers of the homeowners' association, with telephone numbers and (if available) FAX numbers or e-mail addresses, with a requirement that all information must be updated by the homeowners' association on a yearly basis, and where an officer has been added or removed the Clerk's office must be notified within 30 days.

(4) The name and address of the business entity, whether it be a person, partnership, or corporation, which created the homeowners' association.

(B) Where a homeowners' association seeks to address the City Council at a public meeting, one of the officers of the association must request that the matter be placed on the Council agenda for the requisite meeting.

(C) Each homeowners' association must update its registration with the City Clerk's office no later than January 31 of each year, and if there is a change in the officers of the association, the new names, addresses and telephone numbers of the officers must be submitted to the City Clerk within 30 days of the change.

(Ord. 1406, passed 6-19-06)

CHAPTER 15.04: BUILDING REQUIREMENTS

Section

- 15.04.010 Conformance with national and state codes
- 15.04.020 Building construction fire safety
- 15.04.025 Time limitation
- 15.04.030 Violation; permit revocation
- 15.04.040 Standards for structural appearance and site location plans
- 15.04.050 Letters of credit and other surety requirements

Cross reference:

Hearing procedures for enforcement of code violations, see Ch. 1.24

§ 15.04.010 CONFORMANCE WITH NATIONAL AND STATE CODES.

(A) Building regulations shall conform to the Building Officials and Code Administrators Basic National Building Code of 2000, commonly referred to as the "BOCA Code," which is published by the Building Officials and Code Administrators International, Inc., provided, however, that plumbing and electrical installation requirements shall be governed by divisions (B) and (C) of this section. The following additions to the BOCA Code shall apply:

(1) Section 100.1 of BOCA shall designate the code "The Building Code of the City of Crest Hill, Illinois."

(2) The fee schedule described in Section 114.3.1 of BOCA shall be in conformance with Chapter 15.08 of the Crest Hill Municipal Code.

(3) The fines and penalties imposed in Sections 117.4 and 118.2 of BOCA shall be as set out in Chapter 1.12 of the Crest Hill Municipal Code.

(4) The fee granted to a member of the board of survey described in Section 123.3 of BOCA shall be at the prevailing hourly rate for members of the architectural profession in Will County, Illinois.

(5) The number of feet below the established curb which would qualify as a deep excavation under Section 1807.2.1 of BOCA shall be four and one-half ($4\frac{1}{2}$) feet or greater. The number of feet which would qualify as a shallow excavation under Section 1807.2.2 of BOCA shall be less than four and one-half ($4\frac{1}{2}$) feet. In either case, the measurement is made from the established curb.

(B) All plumbing and drainage work shall be in accordance with the latest edition of the Illinois State Plumbing Code published by the Illinois Department of Public Health Division of Sanitary Engineering.

(C) All electrical work shall be in accordance with the latest edition of the National Electrical Code published by the National Fire Protection Association.

(D) In addition to conformance with the codes as provided in this section, all public buildings, whether they be commercial, manufacturing or governmental in nature, shall comply with the latest edition of the National Fire Protection Agency "Life Safety Code."

(E) Copies of each of the codes specified in this section shall be available for examination at the Crest Hill city clerk's office during normal business hours.
(78 Code, § 15.04.010) (Ord. 609 § 1, 1985: added during 1978 codification; Am. Ord. 1184, passed 2-20-01)

§ 15.04.020 BUILDING CONSTRUCTION FIRE SAFETY.

(A) No building permit shall be issued for the construction of apartment or multiple dwelling units wherein the structure will house three or more families until the Building Commissioner has received sufficient evidence that the proposed structure will be constructed with materials approved by the State Fire Marshal.

(B) The Building Commissioner shall issue no building permit until he is furnished with satisfactory evidence that any proposed commercial structure or industrial structure will be constructed with materials approved by the office of the State Fire Marshal.

(C) A letter or stamp of approval affixed to the building plans and specifications by the State Fire Marshal shall constitute sufficient evidence within the meaning of this chapter.
(78 Code, § 15.04.020) (Ord. 202, passed - -68)

§ 15.04.025 TIME LIMITATION.

All construction must be completed within one year of the date the building permit is issued. Each permit shall be deemed to have expired on the one year anniversary date that it was issued, and further construction is not authorized, nor will any certificate of occupancy be issued by the holding department, unless the permit holder was applied for and been granted an extension of the building permit. Subject to the extra permit fee requirements set out in § 15.08.100 of this Code, the Building Commissioner or his or her designated subordinate may issue an extension of the building permit for any period of time up to one year past the original expiration date. Once one year has elapsed from the expiration of the original building permit, the permit holder must apply for a new building permit, must pay the then current permit fee, and must comply with all building codes in effect as of the date the new application is granted.
(78 Code, § 15.04.025) (Ord. 776, passed - -90; Am. Ord. 797, passed - -91; Am. Ord. 1450, passed 2-19-08)

§ 15.04.030 VIOLATION; PERMIT REVOCATION.

Failure to complete construction within one year or failure to obtain the approval of the Plumbing Inspector, the Electrical Inspector or the State Fire Marshal, where required, shall be justification for the Building Commissioner to revoke the building permit theretofore issued by him and suspend all further construction until the Building Commissioner is satisfied that the deficiencies have been corrected or will be corrected.
(78 Code, § 15.04.030) (Ord. 200, passed - -67; Am. Ord. 776, passed - -90; Am. Ord. 797, passed - -91)

§ 15.04.040 STANDARDS FOR STRUCTURAL APPEARANCE AND SITE LOCATION PLANS.

(A) *Purpose.* This section is established to provide comprehensive procedures and standards for undeveloped properties that have already been subdivided, to assure that the design and layout of all applicable development will conform to city codes and protect the public health, safety and welfare and promote high aesthetic qualities. In determining whether or not a site plan is to be approved, the city will consider current development standards, the nature of the land and/or buildings, existing or previous uses of the subject site, and surrounding uses, their character and compatibility.

(B) *Applicability.* Site plan approval by the Building Commissioner, to include approval of structural appearance, shall be required prior to issuance of construction permits for new construction of single or multi-family construction, commercial and industrial developments where the owner or developer is not requesting approval of a new or revised plat of subdivision. "Site plan approval" shall include approval of all exterior facades of any building to be erected in R-1, R-2, R-3, B-1, B-2, B-3, M-1 and M-2 districts. Site plan approval shall also be required for any additions or remodelings of existing structures, where the square footage of the existing structure will be changed by the new construction.

(C) *Definitions.* For the purposes of this chapter the following definitions shall apply unless the context clearly indicates a different meaning.

BORDER PLANTINGS / FOUNDATION PLANTINGS. Perennial flowers, shrubs or bushes of various height and diameter used to screen buildings foundations, appurtenances and property boundaries.

BUILDABLE ACREAGE. A parcel of land or portion of an existing tract or lot of record with sufficient area and dimensional configuration to be developed independently of preceding improvements and in accordance with city zoning and subdivision standards.

CONIFERS. Coniferous (Evergreen) tree, cone bearing with year round green coloration such as pine, spruce, fir, cedar and the like.

IMPROVEMENT. Construction of buildings, drive areas, parking area, walkways, storm water retention/detention areas, lighting facilities, utilities, curb/gutter, signage and landscaping as placed on a parcel, lot or tract of land.

LIVING GROUP COVERAGES. Grass from sod or seed, other low lying planted material no more than 12" in height used for erosion control. Not including pollen producing varieties, nor briars, brambles, nor plants generally accepted as weeds.

MASONRY. Stone or earthen based construction materials including brick, glazed tile stones, EIFS, stucco, decorative concrete block and other similar materials, but specifically excluding concrete lap siding, concrete panel siding, masonry panels, masonry siding and preformed decorative concrete panels.

NET DEVELOPED AREA. The improved portion of a parcel, lot or tract of land including the land required to meet minimum setback standards as established by city zoning ordinances.

ORNAMENTAL TREES. Deciduous trees generally smaller in stature than shade trees and ranging in size up to 25 feet, sometimes providing seasoned blossoms and/or red or yellow leaves. Trees of a decorative purpose.

SHADE TREE. Deciduous (Hardwood) tree having a mature height of 25' or greater and having a broad spread of branches with leaves providing shade during summer months and shedding leaves each autumn.

(D) *Certificates of Occupancy.* No certificate of occupancy shall be issued until all requirements and conditions of the site plan approval have been implemented and all improvements completed in accordance with approved plans. Any significant change to the approved site plan or elevations that affects the physical character of the building(s) and/or site, in the absence of an approved amended site plan reflecting said changes, shall cause the certificate of occupancy to be withheld until such change is approved by the Building Commissioner.

(E) *Maintenance.* Properties receiving site plan approval shall maintain all improvements in good condition including landscape plantings and materials, painted surfaces, structures, pavement, walkways, signage, light fixtures and fences.

(F) *Authorization.* The Building Commissioner is hereby authorized to review and approve site plans, including exterior elevations, which comply with the site plan and exterior appearance requirements of this section. Where proposed site plans and elevations do not comply, the Building Commissioner shall recommend approval, approval with modification, or denial of applicable site plans to the Plan Commission. Upon such recommendation by the Building Commissioner, the Plan Commission shall conduct a public hearing subject to the procedural requirements of the Crest Hill Zoning Ordinance, and shall make its recommendations to the City Council in accordance with the applicable provisions of the Zoning Ordinance. The City Council shall be authorized to approve, approve with modification or deny applicable site plans once the Plan Commission recommendations are received. Approval shall be valid for a period of one year. If after such time construction has not commenced or if construction is stopped for a period of one year, the approval becomes void. An extension of the approval period may be authorized by the City Council upon written request of the developer.

(G) [Reserved].

(H) *Plan Submission.* Three sets of all site plans shall be submitted to the office of the Building Commissioner with all required information. The plan shall be considered as officially submitted only when all the information and fee requirements are met.

(1) *Site Plan Scale.* All site plans shall be drawn to scale as follows:

(a) Sites less than two acres (1" = 20');

(b) Sites of two or more acres (1" = 40');

(c) The Building Commissioner shall have discretion to accept smaller scale plans for projects involving more than 15 acres. However, in no case shall plans be a smaller scale than 1" = 100'.

(2) *Contents.* All site plans shall contain the following:

(a) *General Information.*

1. Property owners name, address and phone number;

2. The developer's name, address and phone number (if different from the property owner);

3. Name, address and phone number of architect, land planner, engineer, surveyor or consulting firm (with contact person listed) who is responsible for compiling the plan;
4. Date of plan preparation and/or verification;
5. North point;
6. Current zoning/requested zoning (if a change is desired);
7. Adjacent landowners name, address and property tax identification number.

(b) *Site Conditions.*

1. Existing topography graphically represented via contour lines of two-foot intervals, extending 20 feet surrounding the subject site;
2. Location and extent of water bodies, wetlands, streams, and flood plains on or adjacent to the subject site;
3. Location of existing tree cover and other notable natural features;
4. Property dimensions and boundaries;
5. Easements;
6. Existing structures;
7. Public roads.

(c) *Proposed Development.*

1. Building layout, dimension of setbacks from property lines and building separation dimensions;
2. Parking, loading, drive areas (including dimensions, aisles, street approaches and curb cuts). Specify pavement type;
3. Sidewalks, curbing and drainage structures;
4. Storm water detention/retention areas. Method of computing drainage requirements shall be consistent with those specified in the City Subdivision Regulations;
5. Floor area for building foot print and gross floor area of structure, building height and number of stores. Structural volume in cubic feet is required for all industrial structures;
6. Building elevation (facade drawings) of all faces indicating design character, type of materials, colors, signage and special features;
7. Grading/drainage plans including contours and elevations;

8. Utility plans indicating location of water and sanitary sewer service lines including size and type of pipe and all other information such as hydrants and clean-outs as may be required by the Building Commissioner;

9. Landscape plans including a schedule of all plantings by type and size, berms and fencing;

10. Lighting plans including type fixtures, height and location.

(I) *Requirements.*

(1) *Building Facades.*

(a) *Single Family Residential.*

1. The areas of the front facade of single family homes (R1 A and R-1) shall be a minimum of 80% of masonry. For purposes of computing said 80%, the total area occupied by windows and doors is not included.

2. Any additional wall facade facing a public or private street shall be of a minimum area of 10% masonry. For purposes of computing said 10%, the total area occupied by windows and doors is not included.

3. The area of masonry may be reduced by up to 30% on any one elevation of a wall facade provided that an equal amount of masonry area is added to one or more other wall facades of the same building.

(b) *Multiple Family Residential, Business, Office, Manufacturing and Industrial.*

1. A minimum of 20% of the total area exterior building wall facades for R-2, B-1, B-2, B-3, M-1 and M-2 construction shall be of masonry. For purposes of computing said 20%, the total area occupied by windows and doors is not included.

2. A minimum of one wall facade per building shall include a minimum of 80% masonry. For purpose of computing said 80%, the total area occupied by windows and doors is not included.

3. Any wall facade facing a public or private street shall be of a minimum area of 10% masonry. For purposes of computing said 10%, the total area occupied by windows and doors is not included.

4. The area of masonry may be reduced by 100% on any wall facade not facing a public or private street provided that the total of 20% of the total area of all building wall facades, exclusive of areas for windows and doors, is provided on other walls of the same building with masonry.

(c) *Variations from Building Facade Requirements.* Architectural glass, clapboard, wood shingle siding and other architectural facade treatments may be considered as alternatives to masonry. Metal facades shall be disapproved unless a variance is granted by the City Council, except for M-1 and M-2 facades. For M-1 and M-2 facades, any portion of a structure that is to be used as office space shall

comply with the same requirements applicable to R-3, B-1, B-2 and B-3 structures. Any portion of a structure devoted exclusively to manufacturing (as opposed to business of office use) may be constructed of approved grade metal construction.

(d) *Roof Lines.* Flat roof appearance is expressly disapproved for all residential construction, unless a variance allowing same is recommended by the Plan Commission and approved by the City Council. All such structures must maintain the appearance of a pitched roof, although a mansard appearance is permitted.

(2) *Landscaping.* All sites shall be landscaped as follows:

(a) *Requirement of Plan.* Each plan required hereunder shall be drawn to scale and shall be fully dimensionalized. All proposed structures and other improvements shall be accurately depicted thereon, including but not by way of limitation, all buildings, paved areas, berms, lights, retention and detention areas and landscaping. The plan shall specifically include the number, type, size and location of all required vegetation and other landscape features which the applicant proposes to preserve;

(b) *Standards for Required Landscaping.* All landscaping plans required hereunder shall be subject to the following standards:

1. *Grassed Areas.* All areas of the plot or site plan not proposed to be improved with structures, paved areas, walks or other approved landscaping shall be improved with grass sod or seed unless otherwise approved by the Council;

2. *Minimum Plantings.* The applicant shall minimally provide one approved planting for each 725 square feet of gross lot area. For sites on which there remains additional buildable acreage after the initial improvements are completed, the applicant shall minimally provide one approved planting for each 725 square feet of net developed area. For each required planting, there shall be provided an additional ten square feet of approved ground cover adjacent thereto;

3. *Approved Plantings and Ground Cover:* The following shall constitute approved plantings and ground covers for inclusion in the landscape plan required hereunder:

a. *Shade Trees.* Shade trees shall be permitted and shall not be less than ½" in caliper measured one foot from the ground nor less than six feet in height. The following trees are prohibited: Soft Maple, Poplar, Box Elder, Catalpa, Tree of Heaven, and Mountain Ash, as consistent with City Subdivision Regulations. Willow and Mulberry trees may be used as decorative plantings located so as to avoid shedding materials onto walks, drives, and parking areas.

b. *Conifers.* Conifers shall be permitted and shall not be less than 6' in height.

c. *Ornamental Trees.* Ornamental trees shall be permitted and shall not be less than ½" in caliper measured one foot from the ground nor less than 6' in height.

e. *Border Plantings and Foundation Plantings.* Border plantings and foundation plantings shall be permitted as approved.

f. *Living Ground Coverages.* Living ground coverages shall be provided at a density sufficient to guarantee total coverage within two years of the date of initial plantings.

g. *Other Ground Covers.* Other ground covers such as decorative rock, stone, boulders, bark, wood chips, etc., may be substituted for the required ground coverages as provided herein.

(3) *Applications of Standards to the Landscape Plan.* In reviewing the landscape plan, the Building Commissioner may require such changes or modifications in the types or location of permitted plantings and ground coverings as it may deem reasonable to the end that such required landscaping shall not hinder placement and operation of any improvement or structure related to public utilities located upon the site. It shall be an objective of this code that the requirements and standards set forth herein shall be applied in a manner so as to maximize the screening of proposed uses (including parking, loading and storage) from adjacent roads and highways and from residential uses located upon adjacent parcels of property.

(4) *Parking and Drive Areas.* All off-street parking and drive areas shall be graded and paved or otherwise improved with bituminous concrete or Portland Cement concrete or other "dust free" paving material as approved by the Council. Parking stalls shall be identified by painted striping. Dimensions for stalls and drive aisles shall be in accordance with Table A at the end of this section. Handicapped parking is required in accordance with compliance with the Americans with Disabilities Act requirements or any other applicable local law or regulation that requires greater accessibility.

(5) *Screening/Buffering.* All commercial, industrial and multi-family sites shall be buffered from adjacent single-family sites through the use of landscape berms, plantings and/or fencing to achieve no less than a minimum of 75% visual screen at a minimum mature height of six feet.

(6) *Drainage/Storm Water Controls.* All sites shall be graded so as to prevent storm water run-off from impervious surfaced areas onto adjacent properties. The storm water detention requirements specified in the City Subdivision Regulations shall be applied. A combination of detention storage and controlled release of storm water run-off shall be required for the following:

(a) All sites involving improvements with a net developed area of two acres or more;

(b) All sites involving improvements which have and will have impervious areas of 50% of gross lot area or greater.

1. In cases where improvements will be made to facilities existing prior to the adoption of this section, the percent of imperviousness will be based on the entire parcel. If this percentage is 50% or greater, the storm water detention requirement shall be applied only to the portion of the parcel being improved.

(7) *Lighting.* Exterior lighting shall be shaded, directed or otherwise designed so as to avoid glare onto neighboring residential properties.

(8) *Access.* Vehicular ingress and egress points (curb cuts) to/from the site shall be no less than 50' from any street intersection (as measured from the property corner to the nearest side of the curb cut) nor closer than 75' to another curb cut on the same street. Curb cut widths shall be no less than 20' nor more than 30' in width. No more than two curb cuts per site shall be permitted.

(9) *Trash Enclosures.* Enclosures surrounding trash receptacles shall be required to provide a 100% visual screen. Such enclosures shall be of masonry or wood construction.

(10) *Parking*. All site plans shall comply with the minimum parking requirements set out by the Crest Hill Zoning Ordinance, as amended, as well as the specifications of Table A at the end of this section.

TABLE A
Parking Dimensions

<i>Dimension</i>	<i>45°</i>	<i>60°</i>	<i>75°</i>	<i>90°</i>
Stall width, parallel to aisle	12.7	10.4	9.3	9.0
Stall length of line	25.0	22.0	20.0	18.5
Stall depth to wall	17.5	19.0	19.5	18.5
Aisle width between stall lines	12.0	16.0	23.0	26.0
Stall depth, interlock	15.3	17.5	18.8	18.5
Module, wall to interlock	44.8	52.5	61.3	63.0
Module, interlocking	42.6	51.0	61.0	63.0
Module, interlock to curb face	42.8	50.2	58.8	60.5
Bumper overhang (typical)	2.0	2.3	2.5	2.5
Offset	6.3	2.7	0.5	0.0
Setback	11.0	8.3	5.0	0.0
Cross aisle, one-way	14.0	14.0	14.0	14.0
Cross aisle, two-way	24.0	24.0	24.0	24.0

(Ord. 1235, passed 3-18-02; Am. Ord. 1340, passed 1-18-05)

§ 15.04.050 LETTERS OF CREDIT AND OTHER SURETY REQUIREMENTS.

(A) Definitions. For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PROJECT GUARANTEE. An irrevocable letter of credit, surety bond, or letter of commitment issued by a bank, savings and loan association, surety or insurance company as may be designated by the City of Crest Hill ("city") in a format adopted by the city and approved by the City Attorney and payable to the City of Crest Hill, sufficient to cover 125% of the cost of the public improvements as estimated by the applicant's engineer employed by the subdivider and approved by the City Engineer to assure the satisfactory and complete installation of improvements as set forth in the city's ordinances, rules and regulations and as contained in the approved improvement plans and specifications. The additional 25% shall cover, but not be limited to contingencies, maintenance of improvements, and the abatement of construction nuisance and soil erosion and sediment control during the period prior to acceptance of the improvements. The irrevocable letter of credit, surety bond or letter of commitment shall be secured from a bank, savings and loan association, surety or insurance company authorized to issue such instruments in the State of Illinois and as approved by the city.

PROJECT WARRANTY. An irrevocable letter of credit, surety bond or letter of commitment issued by a bank, savings and loan association, surety or insurance company, the security of which shall be designated by the city in a format adopted by the city and approved by the City Attorney and payable to the city in an amount equal to 20% of the original cost estimates of the improvements to warrant the integrity of the improvements completed for a period of two years after date of final acceptance of the subdivision or planned unit development. The irrevocable letter of credit shall be secured from a bank authorized to issue such instruments in the State of Illinois and approved by the city. All other surety bonds, letters of commitment or other security documents relating to the project warranty must be authorized and approved by the city from a company authorized to engage in business in the State of Illinois.

(B) Project guarantee.

(1) The applicant shall post with the Building Commissioner, a project guarantee prior to the commencement of construction. Said project guarantee shall also receive the approval of the city prior to becoming effective. Said project guarantee shall then be conveyed by the Building Commissioner to the City Clerk for maintaining the same in such City Clerk's possession throughout the time provided for herein.

(2) The project guarantee shall be based on the City Engineer approved applicant engineer's estimate of cost of public improvements to be constructed, and shall include, but not be limited to, the cost of right-of-way improvements, curb and gutter, roadway base, binder and surface course, bikepaths, sidewalks, street name and traffic control signs, striping, streetlights and associated electrical work, earthwork and mass grading, including associated stockpiling, hauling and respreading, retaining walls, fine grading where the overland flow route traverses properties of separate ownership, storm sewers, culverts, manholes, catch basins, inlets and grates, grading of overflow swales through the project, stormwater detention facilities, including outlet control facilities, the cost of protection and repair of existing field tiles, sanitary sewer and/or water main extensions, fire hydrants, valves, manholes, lift stations, force mains and all other appurtenances, parkway trees, erosion and sediment control, temporary seeding and other measures for stabilization of the site, including the detention facilities, stake-out of all lots with iron pipe at all lot corners, and the cost of required offsite improvements, including ground surface restoration.

(C) *Default.*

(1) If the improvements have not been completed in accordance with the approved improvement plans and construction specifications, or any of the improvements have not been completed within the time frame prescribed in the city's subdivision ordinances or as otherwise may be set forth in an agreement between owner, developer or subdivider, the subdivision guarantee shall be considered in default and may be foreclosed upon, drawn upon, or claims made or otherwise asserted by the city. In the event of default and a foreclosure, draw down, or claims made, funds will be drawn from the bank, savings and loan, surety or insurance company issuing the project guarantee to complete the construction and installation of the improvements.

(2) An administrative fee that reflects the city's actual costs associated with preparing bid documents, preparing and administering a contract for the work to be completed, and associated legal fees, shall be added to the actual construction cost incurred by the city to complete the improvements. This fee shall be withdrawn directly from the funds included in the project guarantee.

(D) *Release of security requirement.* The project guarantee may be released by formal approval by the City Council upon receipt of the following items by the City Engineer, Building Commissioner or other city official, as is appropriate, at least 30 days prior to the expected response from the city. The city will endeavor to review such requests within 30 days after receipt of the same by the appropriate party to whom the owner, subdivider or developer is directed. Such 30-day period shall toll if the owner, subdivider or developer has not provided the appropriate information requested by the city.

(1) A letter from the applicant's engineer stating that they have inspected the project and all improvements are complete per the plans and specifications.

(2) Five sets of "as-built" drawings of the project improvements, certified by the applicant's engineer, and two electronic copies of said drawings in AutoCAD format.

(3) A letter recommending acceptance of all public infrastructure (streets, drainage facilities, sanitary sewer and water distribution facilities, recreational facilities, and other appurtenant items) by the City Engineer.

(4) A letter of acceptance of improvements on other lands by the owner of such property (where applicable).

(E) *Redemption of security requirement.* The project guarantee may be amended to reflect a reduced amount, provided the partial improvements are acknowledged in writing by the City Engineer and Building Commissioner, and approved by the City Council. The following items shall be submitted at least 30 days prior to expected response from the city. The city will endeavor to review such requests within 30 days.

(1) Confirmation that all fees required of the applicant by ordinance have been paid in full and that applicant's account with the city is in good standing.

(2) A written request and a revised current estimate of the cost to complete the work shall be submitted by the applicant's engineer to the Building Commissioner. The revised estimate shall show all the original estimated items with the appropriate items reduced or showing a zero balance.

(3) Twenty-five percent of the original cost estimate shall be added to the revised estimate to determine the amount of the amended project guarantee.

(4) The project guarantee shall never be reduced below 25% of the original estimated cost of improvements or the cost of uncompleted work plus 25% as determined by the City Engineer. If, in the opinion of the City Engineer, the current amount of the project guarantee is not adequate to cover the cost of the uncompleted work, the project guarantee shall be amended to reflect an increased amount.

(5) The revised estimate shall be accompanied by a letter from the applicant's engineer stating that they have inspected the project and all improvements being reduced or showing a zero balance are installed per the plans and specifications.

(6) Reduction of project guarantee does not imply acceptance of those improvements included in that reduction; acceptance of improvements does not occur until all improvements are complete and inspected by city, and project guarantee is released by the City Council as outlined in division (D) above.

(F) *As-built plans.* After completion of all public improvements, and at least 30 days prior to the final acceptance of the project, the applicant shall make, or cause to be made, a map showing the actual location and elevation of all valves, manholes, stubs, sewer and water mains, storm sewer with rim and invert elevations, elevation of overflow routes in critical locations, street lights and wiring, storm sewers, centerline of roadways, ditches, overflow routes, detention/retention basins, and such other facilities as the Building Commissioner shall require. This map shall be submitted to scale on five paper copies as well as two copies in a digital form utilizing the latest version of AutoCAD, or other software approved by the City of Crest Hill, and shall bear the signature and seal of an Illinois registered professional engineer. The presentation of this map shall be a condition of final acceptance of the improvements, and release of the Project Guarantee assuring their completion.

(G) *Acceptance of dedication of improvements.*

(1) (a) The applicant shall be responsible for the maintenance and upkeep of all public areas and improvements until the improvements receive written approval by the Engineer and Building Commissioner and final acceptance by the City Council. The applicant is solely responsible for:

1. Maintaining all improvements:
2. Keeping all public ways, sewers, and drains free from soil, debris and trash:
3. Installing and maintaining appropriate erosion control measures; and
4. Providing for snow removal on all streets within the subdivision.

(b) If the applicant does not promptly remove snow or perform other maintenance, the city may clear snow or perform other maintenance activities and submit the invoice for this work to the applicant for payment. If the applicant does not pay this invoice, the project guarantee may be utilized to pay these costs.

(2) Final acceptance of the dedication of an open space or other public area, including right-of-ways, shall be after any and all improvements are completed, receive written approval recommendation by the Engineer and Building Commissioner, and are formally accepted by the City Council.

(3) Approval of the final plat shall be dependent on presentation of proof of responsibility for the maintenance of all community improvements within such plat or project including but not limited to swimming pools, tennis courts, tot lots, clubhouses and all accessories and amenities related solely to the development itself as identified during the preliminary and final plat and engineering processes.

(4) The final surface course cannot be initiated until a minimum of 12 months from the time the curb and gutter, roadway base course and roadway binder course have been completed or until such time that at least 80% of the phase or unit is built-out; whichever time period is longer but not to exceed 30 months under any circumstances unless approved in advance by the city.

(5) Construction of all improvements covered by this section must be completed within three years from the approval date of the final plat by the City Council unless good cause can be shown for granting an extension of time. Phasing of large developments is encouraged so that projects can be completed in three years. Project completion shall include the final lift of asphalt and sidewalks for every lot.

(6) A project warranty must be provided in exchange for final acceptance, at which time the project guarantee may be released.

(H) *Project warranty.*

(1) The applicant shall post a project warranty with the City Clerk after final acceptance of the public improvements in the amount of 20% of the amount provided for the improvements accepted. The project warranty shall be for a period of two years. Such project warranty shall not require any performance or additional improvements not contained in and specified under the provisions of the original project guarantee.

(2) The project warranty shall be used to replace any faulty materials or workmanship not discernible at the time of final inspection or acceptance by the city and warrant the integrity of the improvements for two years following the final acceptance of the project.

(3) The applicant shall request in writing an inspection of the improvements by the city approximately 18 months after final acceptance. The applicant shall then proceed to perform any warranted corrective work at least 30 days prior to the two year expiration date of the project warranty.

(I) *Extending terms of letter of credit.* No letter of credit may be approved by the City of Crest Hill, nor submitted to it by the owners, developers, builders or subdividers of any project requiring a letter of credit unless the following language is contained therein:

If the public works, public improvements or other work covering by this Letter of Credit have not been completed prior to the expiration date of this Letter of Credit, the City of Crest Hill shall have the option upon written notice given not less than ten (10) days before the termination of this Letter of Credit, seeking to extend the Letter of Credit for an additional period of not more than one (1) year of making written demand upon us pursuant to the provisions of this Letter of Credit.

(Ord. 1512, passed 12-7-09)

CHAPTER 15.05: BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

Section

15.05.010	Issuing authority
15.05.020	Issuance of building permits; procedure
15.05.030	Revocation of building permits and stop work orders
15.05.040	Cure
15.05.050	Appeal

§ 15.05.010 ISSUING AUTHORITY.

The Crest Hill Building Commissioner and his or her authorized employees shall have the authority to issue building permits and certificates of occupancy, and shall also have the authority to suspend or revoke the same under the provisions of this chapter. In cases of emergency where the Building Commissioner is not available, the Mayor shall have the power to suspend building permits and order a cessation of construction activities on any building site or sites of a developer or contractor for a period of not greater than 48 hours, after which time the continuance of suspension shall be confirmed by the Building Commissioner on determination that there are valid grounds under the statutes of the State of Illinois or the codes and ordinances of the City of Crest Hill to continue the suspension or revocation, as the case may be.

(Ord. 1394, passed 4-17-06)

§ 15.05.020 ISSUANCE OF BUILDING PERMITS; PROCEDURE.

The Building Commissioner shall set out procedures in his or her office, subject to the oversight of the City Administrator and the Mayor, for the forms of application to be used for building permits and certificates of occupancy, the review time for plans submitted by the developer or contractor, and the times for inspections of progress of the work. All of the procedures shall conform to the requirements of the various BOCA and ICC Codes adopted in Chapter 15.04.

(Ord. 1394, passed 4-17-06)

§ 15.05.030 REVOCATION OF BUILDING PERMITS AND STOP WORK ORDERS.

The Crest Hill Building Commissioner shall have the authority to suspend or revoke building permits, and issue stop work orders under the following circumstances:

(A) Immediately whenever:

(1) There is, in his opinion, a clear and present hazard to the safety either of workers on a specific job site, or to the public generally;

(2) It is disclosed that the developer or contractor has not paid any fees or fee deposits required under Chapter 15.08;

(3) It is disclosed that the builder or developer does not have current and valid liability insurance in the amounts specified under the provisions of the Crest Hill Municipal Code, or that any of the subject contractors on the specific job do not have the required liability insurance.

(B) Upon issuance of 48 hours written notice served upon the developer, contractor, or any of its supervisory agents or employees, whenever:

(1) The developer, contractor or subcontractor is pursuing an unsafe practice which has produced or may produce a hazard to the general public or to the contractor's own workers;

(2) Either a scheduled or unscheduled inspection discloses that the work being performed has violated a provision of the BOCA Code or ICC Code being followed by the City of Crest Hill, any other codes or ordinances of the city, or has generally violated sound construction practices in the particular industry or trade involved;

(3) The developer, contractor or subcontractor has failed to produce the bond or letter of credit required by the city, or the bond or letter of credit has expired or been rescinded by the agency that issued it;

(4) The developer, contractor or subcontractor has failed to complete in a timely fashion part of the public improvements in any subdivision or other development in the city.

(C) The Building Commissioner shall have the jurisdiction to revoke building permits, issue stop work orders, and deny certificates of occupancy, for any work being performed by the developer, contractor or subcontractor at any location in the city, even where the violating conduct of the developer, contractor or subcontractor occurred in some other part of the city.

(Ord. 1394, passed 4-17-06)

§ 15.05.040 CURE.

Once the Building Commissioner has issued a notice of revocation or suspension of building permit or stop work order, the developer, contractor or subcontractor may request a period of time to cure the violation. The Building Commissioner shall allow seven days from the effective date of the stop work order, suspension or revocation of building permit, and may allow up to 30 days from that effective date, to the developer, contractor or subcontractor to effectuate a cure of the problem. Once the problem has been cured, the stop work order shall be lifted and any suspension or revocation shall be rescinded.

(Ord. 1394, passed 4-17-06)

§ 15.05.050 APPEAL.

The developer, contractor or subcontractor may pursue an administrative appeal of the stop work order, suspension or revocation of a building permit, or non-issuance or refusal of a building permit or certificate of occupancy. The administrative appeal shall be heard by the Crest Hill City Administrator, or, if there is no lawfully constituted City Administrator, by the Mayor. Any such appeal shall be subject to the following requirements:

(A) Written appeal of the Building Commissioner's decision must be filed with the Crest Hill City Clerk no later than seven days after the service of the stop work order, notice of suspension or revocation of building permit, or notice of denial of certificate of occupancy or building permit, upon the developer, contractor, subcontractor, or their agents or employees.

(B) The hearing officer shall set a hearing date no later than 14 days after the appeal has been filed with the City Clerk.

(C) At the hearing, the developer, contractor or subcontractor shall provide at its expense a court reporter or stenographer authorized to administer oaths and to transcribe testimony. Each side shall be allowed representation by an attorney. The rules of evidence generally followed in the courts of the State of Illinois shall apply to the hearing. Each side shall be permitted to produce evidence by way of testimony and exhibits. The appellant shall have the burden of going forward with the evidence and shall have the burden of proof by a preponderance of the evidence. At the close of all evidence, the hearing officer shall issue a written decision within seven days of the conclusion of the hearing. Further review in the Illinois Courts shall be pursuant to the Illinois Administrative Review Act.

(Ord. 1394, passed 4-17-06)

CHAPTER 15.06: ELECTRICAL CODE

Section

15.06.010	General rules and regulations
15.06.020	Services
15.06.030	Lighting outlets
15.06.040	Receptacle outlets
15.06.050	Branch circuits
15.06.060	Re-lock and modular lighting systems prohibited
15.06.070	Aggregation program for electrical load

§ 15.06.010 GENERAL RULES AND REGULATIONS.

(A) It is unlawful for any person to engage in the business of an electrical contractor without being registered or licensed as an electrical contractor for the current calendar year with a municipality that requires testing for such registration or licensing.

(B) It is unlawful for any person to cut, disturb, alter or change any electrical wiring in any way, or to permit the same to occur, unless those acts are performed in conformance with the provisions contained herein.

(C) Any electrical installations shall conform in every respect with the National Electrical Code 1998 edition or the latest edition thereof.

(D) All commercial electrical installations shall submit to the city a working set of electrical drawings prior to a permit being issued for the work to be performed.

(E) All materials, equipment, and appurtenances utilized shall comply with the applicable current standards of Underwriters Laboratories, Inc., or other nationally recognized testing laboratory or inspection agency.

(F) All electrical wiring installed shall be enclosed in metal conduit. In commercial installations the wire shall be #12 A.W.G. or larger, except for low voltage wiring applications.

(G) Switches, outlets, and tap devices of any type and material shall not be permitted to be installed without proper boxes.

(H) The use of aluminum or copper-clad aluminum wire smaller than #2 AWG for any purpose is prohibited.

(I) All grounded conductors, grounding conductors, and ungrounded conductors shall be color coded strictly in accordance with the National Electrical Code.

(J) Smoke detectors shall be permanently wired into the electrical system, and if more than one smoke detector is required to be installed, the detectors shall be wired so that the activation of a single smoke detector shall cause all smoke detectors to activate and signal their alarm. Every single-family residence shall have at least one properly functioning smoke detector installed on every floor of the dwelling, including the basement.

('78 Code, § 15.06.010) (Ord. 795, passed - -91; Am. Ord. 1072, passed 11-2-98)

§ 15.06.020 SERVICES.

(A) Service entrance conductors extending along the exterior or entering buildings shall be enclosed in rigid metal conduit, intermediate metal conduit, or electrical tubing. Such conduit or tubing shall be continuous from the point of building entry to the service entrance equipment or disconnecting device.

(B) Service entrance conductors and service equipment shall have a capacity as calculated by the method(s) detailed in Article 220 of the National Electrical Code, except minimum capacity shall be one hundred ampere.

(C) Service entrance equipment, or other panels or cabinets enclosing fuses, circuit breakers, or switches, shall be located in an inconspicuous, accessible, but protected location. Such equipment shall not be located in bathrooms, or toilets, over sinks, or laundry tubs, in clothes closets, or near stoves, radiators, piping, heating ducts.

(D) Disconnect devices and overcurrent protection shall be installed for every electrical service in accordance with the requirements of the National Electrical Code. The overcurrent protection device shall be an integral part of the service disconnecting means or shall be located immediately adjacent thereto, and shall also be installed either inside or outside of a building at a readily accessible location

nearest the point of entrance of the service entrance conductors. The over-current protection device may be located in the branch circuit panel provided the length of the service entrance conduit inside the building is five feet or less.

(E) In a multiple-occupancy building, each occupant shall be provided with individual disconnecting means and circuit protection devices. In a multifamily residential building where each dwelling unit is supplied from a common set of service equipment and meter bank, the sub-feeder or sub-set of service conductors to each dwelling unit shall have over-current protection at the meter bank. Each dwelling unit shall also be provided with an individual branch circuit panel and such panel shall contain a single main disconnect device.

(F) A circuit panel schedule shall be provided for all service entrance equipment or other panels or cabinets containing fuses or circuit breakers and all such panel schedules shall be fully and accurately completed.

('78 Code, § 15.06.020) (Ord. 795, passed - -91)

§ 15.06.030 LIGHTING OUTLETS.

(A) (1) Permanent lighting fixtures, wall-switch controlled, shall be installed in every kitchen, dining room, living room, bedroom, hall, bathroom, or other habitable rooms.

(2) Exception: In habitable rooms other than kitchens, dining areas, and bathrooms, two or more convenience outlets (receptacles) controlled by a wall switch shall be permitted in lieu of lighting fixtures.

(B) An outside lighting fixture, with interior wall switch control, shall be installed at each main and service doorway including any sliding panel installed in an exterior wall. Such fixture may be used to illuminate more than one doorway area provided fixture is properly located to serve dual purpose and is controlled by an interior wall switch at each doorway.

(C) Permanent lighting fixtures shall be installed to illuminate all steps or stairways connecting habitable rooms, hallways, garages, or other similar areas at different elevations. Any lighting fixture installed for such purpose shall be located so as to be in direct line of sight with all steps or areas to be so illuminated. Such lighting fixtures shall be multiple switch controlled from each elevation. Other lighting fixtures may serve as stairway fixtures when located to properly serve such dual purpose.

(D) A permanent lighting fixture shall be installed to properly illuminate basement stairs, shall be located as in division (C) of this section and shall be switch controlled from the head of the stairs. Multiple switch control shall be installed at both elevations if a basement is provided with other exit doorways.

(E) Permanent lighting fixtures shall be installed in utility rooms, basements, other areas requiring general illumination and to illuminate laundry trays and electrical service equipment.

(F) At least one lighting outlet shall be installed in every entry hallway and interior closet suitable for clothes and containing any equipment which may require servicing.

(G) Bathroom lighting fixtures, exhaust fans and other similar electrical equipment shall be controlled by a wall switch(s) not readily accessible from the tub or shower.

(H) Hallways eight feet or more in length shall have multiple switch control of lighting outlet(s), all switches to be located as close as possible to doorways or openings connected by the hallway and in no case more than four feet (direct horizontal measurement) from any such connected doorway opening. ('78 Code, § 15.06.030) (Ord. 795, passed - -91)

§ 15.06.040 RECEPTACLE OUTLETS.

(A) Receptacle outlets shall be installed in all habitable rooms so that no point along the floor line of usable wall space shall be more than six feet, measured horizontally, from an outlet including wall space occupied by sliding panels in exterior walls and that are not afforded by fixed room dividers.

(B) In all habitable rooms, at least one receptacle outlet shall be installed for every 12 feet or major fraction thereof, of the gross perimeter of the room. The outlets shall, insofar as practical, be spaced equal distances apart.

(C) In all habitable rooms, a receptacle outlet shall be installed in any wall space two feet or more in width, except no receptacle shall be required if said wall space is completely covered by a normally open door. Wall space shall be as defined in the National Electrical Code.

(D) At least one receptacle outlet shall be installed for each of the following:

(1) In kitchen and dining areas, at each counter top space wider than 12 inches, and for each four feet or fraction thereof of counter top space;

(2) In each bathroom adjacent to the basin location. This requirement is in addition to any receptacle outlet which may be contained in a medicine cabinet or light fixture;

(3) In each hallway;

(4) In each laundry area;

(5) In each basement in addition to any that may be provided in the laundry area or for sump pumps;

(6) In each residential attached garage;

(7) An outdoor receptacle for each dwelling unit.

(E) All receptacle outlets on 15 and 20 ampere branch circuits shall be of the grounding type except replacements as provided in the National Electrical Code.

(F) A single receptacle outlet on an individual branch circuit shall have an ampere rating no less than that of the branch circuit.

(G) Ground-fault circuit interrupter protection shall be provided for all one hundred twenty volt, single phase, 15 and 20 ampere receptacle outlets installed in the following:

(1) Any outlet within six feet of the kitchen sink;

- (2) Bathrooms, including any receptacles contained in a medicine cabinet or lighting fixture;
- (3) Attached and detached garages;
- (4) Outdoor receptacle outlets having direct grade level access;
- (5) All other installations as required by the National Electrical Code.

('78 Code, § 15.06.040) (Ord. 795, passed - -91)

§ 15.06.050 BRANCH CIRCUITS.

(A) At least two 15 ampere circuits serving all lighting outlets and those convenience outlets not in a kitchen, dining area, laundry, or garage area shall be provided for lighting and general use for the first 500 square feet of floor area. At least one such circuit for each additional 300 square feet, or fraction thereof, of floor area shall also be provided, the floor area being determined by outside dimensions. A provision for at least one future circuit shall be made in the service entrance equipment or panel.

(B) A maximum of ten lighting and/or convenience outlets shall be allowed on any circuit required in division (A) of this section. A minimum of ten such outlets shall also be allowed on any similar 20-ampere circuit.

(C) A minimum of two 20-ampere circuits shall be provided to serve the convenience outlets in a kitchen and/or kitchen-dining area. Such circuits shall have no other outlets and shall not serve a refrigerator. All such circuits shall serve the counter top outlets and are intended for use with small portable appliances only.

(D) A maximum of three convenience outlets shall be allowed on any one circuit required in division (C) of this section.

(E) A minimum of one 20-ampere circuit shall be provided to serve the laundry area when such area is proposed. Such circuit(s) shall have a maximum of two outlets and shall serve no other load or purpose.

(F) An individual 15-ampere or 20-ampere circuit shall be provided for each of the following appliances or equipment:

- (1) Central heating system;
- (2) Dishwasher (if used);
- (3) Refrigerator and other kitchen loads (such as, waste disposer, range exhaust fan and/or light, trash compactor, and the like);
- (4) Sump and/or ejector pump.

(G) Individual branch circuits shall be provided as required by the National Electrical Code and for any fixed appliance or equipment rated at more than 1,200 watts.

('78 Code, § 15.06.050) (Ord. 795, passed - -91)

§ 15.06.060 RE-LOCK AND MODULAR LIGHTING SYSTEMS PROHIBITED.

No contractor, subcontractor, or other person erecting new construction or rehabilitating or remodeling existing structures shall install "re-lock" or "modular" lighting systems, either on a temporary or permanent basis. For purposes of this section, **RE-LOCK** or **MODULAR** lighting systems shall refer to any electrical distribution service in a structure that includes the use of MC- or BX-type cable in conjunction with molded, snap-together, pin-type plugs on the ends of the cable and multiple plug adapters at each light.

(Ord. 1379, passed 12-19-05)

§ 15.06.070 AGGREGATION PROGRAM FOR ELECTRICAL LOAD.

(A) Pursuant to ILCS Ch. 20, Act 3855, §§ 1-1 et seq. (the "Act"), the corporate authorities of the city are hereby authorized to aggregate, in accordance with the terms of the Act, residential and small commercial retail electrical loads located within the corporate limits of the city, and for that purpose may solicit bids and enter into service agreements to facilitate for those loads the sale and purchase of electricity and related services and equipment.

(B) The aggregation program for the city shall continue to operate as an opt-out program for residential and small commercial retail customers.

(C) As an opt-out program, the corporate authorities of the city shall fully inform residential and small commercial retail customers in advance that they have the right to opt-out of the aggregation plan before the resident or commercial account is renewed. The disclosure and information provided to the customers shall comply with the requirements of the Act.

(D) The corporate authorities hereby grant the Mayor the specific authority to execute a contract without further action by the corporate authorities and with the authority to bind the city.

(Ord. 1622, passed 3-4-13)

CHAPTER 15.08: BUILDING PERMIT FEES

Section

- 15.08.010 Generally
- 15.08.020 Building permit fees for commercial/industrial
- 15.08.030 Building permit fees for residential construction
- 15.08.040 Miscellaneous fees
- 15.08.050 Fees waived for
- 15.08.055 Inspection fees
- 15.08.060 Bond; required
- 15.08.070 Time period; retrieval of permit
- 15.08.080 Developer and subdivider fee deposit.
- 15.08.090 Penalty fee
- 15.08.100 Fees for extensions of building permits

§ 15.08.010 GENERALLY.

The following fees as set forth in this chapter shall be the fees charged by and utilized by the Building Commissioner in determining the proper fee for the issuance of a building permit.
(78 Code, § 15.08.010) (Ord. 197, passed - -67; Am. Ord. 424, passed - -77; Am. Ord. 1086, passed 3-15-99)

§ 15.08.020 BUILDING PERMIT FEES FOR COMMERCIAL/INDUSTRIAL.

Fees for new commercial and/or industrial construction shall be calculated as follows:

(A) The base fee determined by the value of the improvement to be constructed or the improvements to be made:

<i>Value of improvement</i>	<i>Fee</i>
Less than \$100 in value	\$25
\$100 to \$499.99	\$50
\$500 to \$999.99	\$75
\$1,000 to \$99,999.99	\$200 plus an additional \$20 per each additional \$1,000 or fraction thereof over \$1,000
\$100,000 to \$999,999.99	\$2,180 plus an additional \$10 per each additional \$1,000 or fraction thereof over \$100,000 to \$999,999.99
\$1,000,000 and over	\$11,180 plus an additional \$10 per each additional \$1,000 or fraction thereof over \$1,000,000

(B) To the base fee shall be added the following additional fees:

- (1) Plan review fee, \$75; and
- (2) Construction water use, \$100.

('78 Code, § 15.08.020) (Ord. 197, passed - -67; Am. Ord. 424, passed - -77; Am. Ord. 635, passed - -85; Am. Ord. 780, passed - -90; Am. Ord. 1086, passed 3-15-99; Am. Ord. 1108, passed 9-20-99)

§ 15.08.030 BUILDING PERMIT FEES FOR RESIDENTIAL CONSTRUCTION.

The fees for residential construction are as follows:

(A) *Single family or duplex (two-family) residential construction.* The base building permit fee for single-family or duplex (two-family) residential structures, including attached garages, is based on the total square foot area of the structure using the exterior dimensions for each floor, added together, including below grade areas designed for habitation. The base fee is \$.75 per square foot.

(B) *Multiple family residential construction.* The base building permit fee for multiple (three or more attached residences) family residential structures is \$1.25 per square foot, the square footage as determined in division (A) above.

(C) To the base fee, there shall be added the following fees:

- (1) Plan review fee, \$75;
- (2) Construction water usage, \$100. This water usage fee shall be allocated directly to the Water and Sewer Fund;
- (3) Detached garages, \$100 per garage unit; and
- (4) All exterior concrete, asphalt or paving brick work, \$80.

('78 Code, § 15.08.030) (Ord. 197, passed - -67; Am. Ord. 424, passed - -77; Am. Ord. 433, passed - -77; Am. Ord. 635, passed - -86; Am. Ord. 780, passed - -90; Am. Ord. 1086, passed 3-15-99; Am. Ord. 1108, passed 9-20-99; Am. Ord. 1144, passed 7-3-00)

§ 15.08.040 MISCELLANEOUS FEES.

The building permit fee for all miscellaneous construction shall be as follows:

<i>Type of construction</i>	<i>Fee</i>
Canopy/awning	\$50
Carports	\$50
Decks	
sized less than 144 sq. ft.	\$35
larger than 144 sq. ft.	\$50

Building Permit Fees

Type of construction	Fee
Demolition permit	\$50
Detached garage	\$100
Driveway	\$30
Electrical conversion or remodel	\$50
service upgrade	\$100
Fences	\$30
Fireplaces (not included in original construction)	\$30
Fire restoration permit (includes all fees)	\$250
HVAC installations	\$50
Landscaping - commercial only	\$25
Concrete slab patios	\$25
Plumbing remodel only	\$50
replace sewer line from main to house (or any portion thereof)	\$75
Remodeling - rehabilitation only	\$150
Re-roofing - commercial only	\$50
Retaining walls, other than landscaping	\$25
Room additions	\$.50 per square foot plus fees electric and plumbing permit as established by ordinance
Sheds 8' x 8' and 8' x 10'	\$25
10' x 10'	30
10' x 12'	35
10' x 14'	40
10' x 16'	45
10' x 18' or greater than 180 square feet	50
Brick or any style siding	\$35
Swimming pools Above ground (electrical permit and inspection required)	\$ 50
In-ground (electrical and plumbing permits and inspections required)	175
Soffits and/or fascia	\$35

Type of construction	Fee
Windows	
Replacement windows with no size changes	no fee
Replacement with size change	
1 to 4 windows	\$20
5 to 8 windows	30
9 or more	40

('78 Code, § 15.08.050) (Ord. 197, passed - -67; Am. Ord. 424, passed - -77; Am. Ord. 635, passed - -85; Am. Ord. 780, passed - -90; Am. Ord. 1086, passed 3-15-99; Am. Ord. 1108, passed 9-20-99; Am. Ord. 1237, passed 3-18-02)

§ 15.08.050 FEES WAIVED FOR.

There shall be no permit fee required for replacement roofs, stoops, or gutters, nor shall there be a fee charged for the construction of or replacement of a public sidewalk.
(Ord. 1086, passed 3-15-99; Am. Ord. 1108, passed 9-20-99)

§ 15.08.055 INSPECTION FEES.

(A) The building permit fees as set forth grant the permittee a single inspection, of all types of inspections required by the type of permit issued, of all the work to be performed pursuant to the permit.

(B) If in any event a second or additional further inspections are required of work performed pursuant to an issued building permit for any reason, a \$100 reinspection fee shall be paid by the permittee for each reinspection required to be made. The reinspection fee shall be paid prior to the reinspection occurring, and any permittee or city official obtaining or causing to be made a reinspection prior to the reinspection fee being paid shall be guilty of violating this section and shall be fined not less than \$150 but not more than \$1000 for each violation.

(Ord. 1037, passed 9-15-97; Am. Ord. 1086, passed 3-15-99)

§ 15.08.060 BOND; REQUIRED.

All persons and/or entities contracted to perform any work on city property shall post an acceptable surety or performance bond in the sum of \$25,000, or such other amount as determined and required by the City Engineer, prior to the commencement of the work. Further, said persons and/or entities shall provide to the city a bond or other insurance to indemnify, save and hold the city harmless for any and all liabilities, of any type and nature, resulting from any act of the persons and/or entity performed on city property.

('78 Code, § 15.08.060) (Ord. 426, passed - -77; Am. Ord. 1086, passed 3-15-99)

§ 15.08.070 TIME PERIOD; RETRIEVAL OF PERMIT.

When the Building Commissioner has granted a permit under this chapter, he shall deliver it to the City Clerk's office for safekeeping until it is acquired by the applicant or his agent. If the applicant or his agent has not acquired the permit from the Clerk within 30 days of the date it is submitted by the Building Commissioner to the Clerk's office, the Clerk shall be entitled to discard the permit. Once a building permit is discarded, the applicant will be required to fill out a new application form and go through the application process.

(Am. Ord. 1108, passed 9-20-99)

§ 15.08.080 DEVELOPER AND SUBDIVIDER FEE DEPOSIT.

(A) Before a subdivider or developer may appear before the Plan Commission to present his or her proposed subdivision or planned unit development (P.U.D.), that person or corporate entity shall pay to the City Clerk a fee deposit of \$5,000. Said deposit shall be held in escrow by the Treasurer to secure payment by the developer of all code authorized inspection fees (whether the inspection is performed by the Building Commissioner, Plumbing Inspector, Electrical Inspector, or the City Engineer or his designate), as well as the professional services charge of the City Engineer or, where applicable, the City Attorney, for any work done in connection with the supervision and inspection of any aspect of the subdivider's or developer's construction progress. The Treasurer shall deposit the funds in an interest bearing savings account in the city's name. Where the developer or subdivider can not show the Plan Commission proof of payment of the deposit, the Plan Commission shall table the hearing on the developer's project until such time as the deposit is paid.

(B) Said deposit shall not discharge the developer or subdivider of the requirement to pay all building permit, inspection, professional and miscellaneous fees required under this code as they fall due, and payment of part of those fees during the construction process shall not obligate the city to refund any part of the deposit. When the project is completed and all inspections have been successfully passed and paid for and all professional fees reimbursed, the Treasurer shall refund to the developer the deposit, including any accrued interest thereon. Provided, however, that if the subdivider or developer fails or refuses, upon timely notice served upon him by regular mail by the City Treasurer, to remit the fees required under the city's codes (including subdivision regulations and the Zoning Ordinance), the Treasurer shall, upon expiration of 45 days from the date of mailing, notify the Building Inspector. The Inspector shall suspend any building permits of the developer, his contractors or subcontractors, and stop work on the project until such time as the delinquent fees are paid along with any interest or late charges. If the Building Inspector or his designee reports to the City Treasurer that the developer has abandoned the project, the Treasurer may pay all such delinquent fees out of the \$5,000 deposit. Whenever part or all of a deposit is applied to an existing subdivider's or developer's unpaid balance, the Treasurer shall forthwith notify the subdivider or developer of the action taken, by certified mail, sent to his last known address.

(C) A subdivider or developer may, in case of hardship, petition the City Council for full or partial relief from the deposit requirement, which the Council may grant on good cause shown.

(Ord. 1157, passed 8-21-00; Am. Ord. 1209, passed 10-15-01)

§ 15.08.090 PENALTY FEE.

A penalty of three times the permit fee shall be added to each permit issued after unpermitted construction has commenced. No penalty fee shall be added for emergency construction as authorized by the Building Commissioner.

(Ord. 1237, passed 3-18-02; Am. Ord. 1339, passed 1-18-05)

§ 15.08.100 FEES FOR EXTENSIONS OF BUILDING PERMITS.

For new construction and room additions, including basement or attic build-outs, any permit holder may, before the expiration of the one year time period applicable to his or her building permit, apply to the building department for an extension of the permit. Any holder of any expired permit may also apply for an extension under this section. Provided, however, that in no case shall a building permit be extended more than one year past its original expiration date. Where an extension is granted, the Building Commissioner or his or her designee shall require that all construction be completed no later than expiration of the extended time period. Provided that the Building Commissioner shall have authority to grant a grace period beyond the expiration of the time period where a developer or contractor, in the sole opinion of the Building Commissioner, has exercised good faith in attempt to complete construction within the one-year time period.

(A) Where the permit holder applies for an extension before expiration of the original time period, an additional pro-rated fee shall be charged in the amount of 1/12 of the building permit fee for each month that the permit is extended. The proration shall be assessed in accordance with the fee structure that is current as of the date the extension is granted, and not the date when the original building permit was issued. If the permit holder does not complete construction with the extended time period, he or she must apply for a new permit and submit to the standard permitting process instituted by the building department under this Code.

(B) Where the original building permit has already expired, the same requirements concerning monthly proration of the current permit fee as is found in division (A) shall apply if the extension is requested within the first six months after expiration of the original permit. If the extension is not requested within six months of the original expiration date, the extension fee shall be 100% of the then current building permit fee for the construction involved. In no event shall an extension of the original building permit last longer than one year from the original expiration date. If the permit holder cannot complete construction within the two years from issuance of the original permit, he or she must apply for a new permit and submit to the standard permitting process instituted by the building department under this Code.

(C) Where a builder or developer has obtained a building permit to erect a model home, in addition to the requirements of divisions (A) and (B) above, on each anniversary date of the original time period and on each anniversary date thereafter, the Building Department shall assess an additional fee of \$100 for the following year. Said fee shall be assessed each year until a certificate of occupancy is issued.

(D) Where construction has been completed on structures but no certificate of occupancy has been requested, in addition to the requirements of divisions (A) and (B) above, on expiration of the original time period and on each anniversary date thereafter, the Building Department shall assess an additional fee of 25% of the building permit fee in force as of the anniversary date.

(The above provisions shall take effect for all new permit applicants or current permit holders whose permits have not expired as of February 20, 2008.)

(E) For all permit holders whose permits have expired prior to February 20, 2008, those permit holders shall be afforded a grace period with a fee schedule as follows:

(1) The applicant shall be granted an extension of the original permit for no more than one year from the date of application or from March 18, 2008, whichever date occurs first.

(2) If application for extension is made after May 19, 2008, the extension fee shall be 100% of the then current building permit fee for the construction involved.

(3) If construction cannot be completed prior to March 18, 2009, the permit holder must submit a new application for a building permit under the then current building codes.

(4) Model homes completed under § 15.08.100(C) and completed structures where no occupancy permit has been requested under § 15.08.100(D) shall be granted a grace period until May 18, 2008 to obtain an occupancy permit before imposition of the extra fees under those divisions.

(F) The Building Commissioner or his or her designee shall serve by ordinary mail a copy of this section upon each holder of a building permit where construction has not been completed and the original permit has expired within the last four years prior to passage of this section.

(Ord. 1450, passed 2-19-08)

CHAPTER 15.09: INSPECTION OF RENTAL UNITS

Section

15.09.010	Definitions
15.09.020	Inspection required
15.09.030	Frequency of inspections
15.09.040	Inspection certificate required
15.09.050	Inspection procedure
15.09.060	Suspension or revocation of certificate
15.09.070	Fees

§ 15.09.010 DEFINITIONS.

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

COMMERCIAL UNIT. Any room or group of rooms used for the transaction of any business whatsoever, where said room or group of rooms are not used or intended to be used for living and sleeping on a permanent basis. *Permanent basis* shall be defined to mean more than 28 days.

COMMON AREA. Any hallway, foyer, communal laundry or storage area, meeting or party room and any other area that is used by all the residents of a building or the general public.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLINGS.

- (1) *Single-family dwelling.* A building containing one dwelling unit.
- (2) *Two-family dwelling (duplex).* A building containing two dwelling units.
- (3) *Multifamily dwelling.* A building or portion thereof containing more than two dwelling units and not classified as one or two family dwellings.
- (4) *Boarding house, rooming house, lodging house and tourist house.* A building arranged or used for the lodging, with or without meals, for compensation, by individuals who are not members of the family.
- (5) *Dormitory.* A space in a building where group sleeping accommodations are provided for persons not members of the same family group in one room, or in a series of closely associated rooms.
- (6) *Hotel or Motel.* A room or rooms in any building or structure kept, used, maintained, advertised or held out to the public to be an inn, motel, hotel, apartment hotel, in accordance with the definition of *Hotel* and *Motel* contained in the Crest Hill Zoning Ordinance.

PREMISES. A lot, plot or parcel of land including the buildings or structures thereon.

RENT, LET OR LET FOR OCCUPANCY. To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, commercial unit, building or structure for consideration.
(Ord. 1224, passed 1-22-02)

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

§ 15.09.020 INSPECTION REQUIRED.

(A) All single-family dwellings that are not occupied by the owner and are rented or leased to another person or entity and the rental unit of a two-family dwelling in which the other unit is owner-occupied shall be subject to inspection and compliance with the systematic inspection of this code if those dwellings or the rental portion thereof meet one or more of the following conditions:

(1) The dwelling or the lot on which the dwelling is located is the subject of three or more calls for police service within a 12 month period due to the misconduct of the tenants or the guests of the tenants;

(2) The dwelling or the lot on which the dwelling is located has three or more violations of any applicable code, ordinance, or law within a 12 month period as determined by the Building Commissioner or his designee; or

(3) The City Council has declared the dwelling or the lot on which the dwelling is located a public nuisance due to the condition of the property or the conduct of the tenants or guests occupying the property.

Note: The 12 month period referred to in subsections (1) and (2) shall be a continuously rolling period that shall be measured not on a calendar year basis but on the basis of the 12 months immediately preceding the complaint, call for service, or violation which triggers the city's intervention.

(B) All residential duplex units, multi-family dwelling units and commercial units that are not occupied by the owner and are rented or leased to another person or entity shall be subject to inspection and compliance with the systematic inspection of this code.

(C) Every owner of a rental property shall be required to submit to the City of Crest Hill, on a form provided by the Building/Code Enforcement Department, the following information:

(1) Address of the rental property;

(2) Name, address and phone number of the property owner;

(3) Name, address, phone and fax number of the agent or person in charge of the property, where applicable;

(4) Name, address and phone number of the person or persons to contact in the event of an emergency;

(5) An update of any of the above information, should changes occur, within seven business days of the effective date of the change. It shall be the responsibility of the property owner, landlord and/or property manager to so notify the Building/Code Enforcement Department.
(Ord. 1224, passed 1-22-02)

§ 15.09.030 FREQUENCY OF INSPECTIONS.

(A) All residential rental units shall be inspected on a yearly basis.

(B) Nothing in this chapter shall prevent the Building Commissioner or his designate from inspecting the premises of any unit.
(Ord. 1224, passed 1-22-02)

§ 15.09.040 INSPECTION CERTIFICATE REQUIRED.

No person shall rent, let or let for occupancy any unit subject to this chapter without having a valid, current certificate of inspection for that dwelling.
(Ord. 1224, passed 1-22-02)

§ 15.09.050 INSPECTION PROCEDURE.

(A) If, upon the completion of the inspection, the premises are found to be in compliance with this code and the appropriate fee has been paid, the building commissioner or his designate shall issue a certificate of inspection for the premises. The certificate shall be valid for one year from the date of issuance.

(B) If, upon completion of the inspection, the premises are found to be in violation of one or more provisions of this code, the city shall provide written notice of such violations and shall set a reinspection date before which such violations shall be corrected. If such violations have been corrected within that period, the building commissioner shall issue a certificate of inspection for the premises. If such violations have not been corrected within that period, the city shall not issue the certificate and may take any action necessary to enforce compliance with this code.

(C) A certificate of inspection issued pursuant to this chapter shall be transferable to succeeding owners; provided, that within five days of the transfer, the transferor shall provide written notice of the transfer to the building commissioner or his designate.

(D) Upon the request of an existing or prospective tenant, or upon the request of the Mayor, Building Commissioner or his designate, or any police officer, the owner shall produce the certificate of inspection.

(E) No owner, agent or person in charge of the subject rental structure shall rent a unit or allow any person to occupy the same as an occupant or lessee, unless such owner, agent or person in charge has been issued an inspection certificate by the Building/Code Enforcement Department.
(Ord. 1224, passed 1-22-02)

§ 15.09.060 SUSPENSION OR REVOCATION OF CERTIFICATE.

(A) If the building commissioner, after a hearing before the building commissioner or his designee, determines that any person has failed to comply with this chapter, the building commissioner may suspend or revoke the certificate of inspection held by that person. Such a hearing shall be held not less than five calendar days after notice of time, place and subject of the hearing has been received by the certificate holder at the holder's last known address or business address. The city's representative shall present evidence in support of the suspension or revocation, and the certificate holder shall be permitted to rebut such evidence and present any other evidence that is relevant and material. The hearing officer's decision shall be written, final, and binding. The suspension or revocation of any certificate shall not discharge the holder from prosecution in local court for any violation of this chapter.

(B) The building commissioner may suspend, revoke or refuse to renew the certificate of inspection held by any person who knowingly:

(1) Violates any federal or state statute where the violation is deemed to be a felony or misdemeanor, including but not limited to any conduct which violates the Illinois Controlled Substances Act, the Illinois Cannabis Control Act, the Illinois Drug Paraphernalia Control Act, or any other local, state, or federal law prohibiting the manufacture, distribution, delivery, use, or possession of a controlled substance, or any state or local laws relating to prostitution or prostitution related activity;

(2) Permits the premises subject to inspection under this chapter to be used in a manner that constitutes a public nuisance after having received written notice from the city or any other governmental entity that the premises constitutes a public nuisance, and having failed within a reasonable time to take action to terminate the nuisance after receipt of written notice of such condition. The term *public nuisance* shall mean any conduct of individuals or condition of property that injures or endangers the health, safety, and welfare of the surrounding community or that obstructs reasonable use of property, including any conduct or condition that has been defined by Illinois common law to constitute a public nuisance;

(3) Violates or fails to comply with any provisions of the Crest Hill Municipal Code, BOCA Codes, Life Safety Codes or other rules or regulations regarding the construction, maintenance, upkeep or condition of the premises owed by that person.

(C) Any person whose certificate of inspection has been suspended or revoked by the Building Commissioner may appeal the decision to the City Council or any standing or special committee designated by the City Council by filing a written notice of appeal with the Building Commissioner or the building department within three business days of the person's receipt of the decision. The City Council or its designated hearing committee may review the Building Commissioner's decision and may affirm or reverse the decision or remand it to the Building Commissioner for further action or review.

(D) The city shall be authorized to recover any expenses incurred by the city in abating a public nuisance pursuant to any proceedings instituted by the Building Commissioner. Any misconduct or condition of property resulting in the suspension, revocation, or refusal to renew a certificate of inspection shall be deemed a public nuisance for which expenses may be recovered.

(Ord. 1224, passed 1-22-02)

(A) There is hereby established the following fee schedule for each yearly inspection required by this chapter:

Each rental unit.....	\$ 50
Common area (per building).....	\$ 50
First reinspection	Free
All reinspections after the first reinspection, or after a "No Show".	\$100.00

(B) The units enumerated above shall include units used or occupied by the owner or the owner's representative.

(Ord. 1224, passed 1-22-02)

CHAPTER 15.12: SIGN CODE

Section

15.12.010	Definitions
15.12.020	Permit; required
15.12.030	Permit; application
15.12.040	Permit; fees
15.12.050	Reserved
15.12.060	Issuance of permits
15.12.065	Temporary signs
15.12.067	On premises signs
15.12.070	Signs in residence districts
15.12.080	Signs in business, office and manufacturing districts
15.12.090	Restrictions generally
15.12.100	Wooden signs
15.12.110	Noncombustible signs
15.12.120	Electric signs
15.12.130	Reserved
15.12.140	Reserved
15.12.150	Roof signs
15.12.160	Projecting signs
15.12.170	Reserved
15.12.180	Erection at intersections; visibility
15.12.190	Curb or sidewalk signs prohibited
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15.12.210	Removal
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15.12.225	Perimeter or border window lighting and attention getting devices
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15.12.240	Powers and duties of Building Commissioner
15.12.250	Nonconforming signs
15.12.260	Revocation of permit
15.12.270	Appeal of decisions
15.12.280	Violation; penalty
15.12.290	Street numbers for buildings

§ 15.12.010 DEFINITIONS.

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

¹For statutory provisions authorizing municipalities to license street advertising and to control the location of signs on vacant property and on buildings, see ILCS Ch. 65, Act 5, § 11-80-15; for provisions of the Highway Advertising Control Act of 1971, see ILCS Ch. 225, Act 440, § 1 et seq.

ALTERATION. Any change or modification to a structure which does not increase its exterior dimensions.

ANCHOR. The mechanical nonplastic means by which various materials and the structural members in the construction or erection of a sign are used.

APPROVED. As applied to any material, device, or mode of construction, means approved by the Building Commissioner under the provisions of this chapter, or by any other authority designated by law to give approval of the matter in question.

AREA, SIGN. The area of a sign shall be determined by calculating the area within a single continuous perimeter encompassing the entire advertising copy and/or art designed to attract attention. This shall include the extreme limits of characters, lettering, illustrations, ornamentation, or other figures, together with any other material, design, or color forming an integral part of the display. The area within the single continuous perimeter shall be calculated by determining the area of the smallest measurable square, circle, rectangle, or triangle within the single continuous perimeter, including the frame, border, or other material, which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed. For freestanding signs, sign area shall not include any structural or framing element lying outside the limits of the sign face where copy is placed and not forming an integral part of the display.

BEAM. A horizontal or inclined structural member that carries loads principally by its flexural strength and transmits such loads to other supporting structural members.

BUILDING. A structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.

BUILDING COMMISSIONER. Shall also refer to the Zoning Officer or any officer appointed by the Mayor to enforce the provisions of this chapter.

BUILDING LINE. The rear line of the minimum front yard as designated in the Zoning Ordinance of the city.

CHANGEABLE COPY SIGN. A sign which displays words, lines, logos, or symbols which can change to provide different information. Changeable copy signs include computer signs, reader boards with changeable letters and time and temperature units.

ELECTRONIC MESSAGE CENTER. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

ERECT. Includes build, construct, attach, hang, place, suspend or affix, and also includes the painting of wall signs.

FACING OR SURFACE. The surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

FREESTANDING SIGN. A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and is not attached to or dependent for support from any building. For the purposes of this chapter, **FREESTANDING SIGNS** shall include ground mounted and pylon/pole signs.

GROUND MOUNTED SIGN (MONUMENT SIGN). As regulated by this chapter a freestanding sign having a solid base constructed of a masonry (or similar) material and anchored in or upon the ground.

HEIGHT, FREESTANDING SIGN. The vertical distance from average adjacent ground level, to the top of the sign including the support structure and any design element.

HEIGHT, WALL SIGN. The vertical dimension of an imaginary box drawn so as to completely enclose each entire symbol, word, phrase, title, or name appearing on the sign and computing the sum of all such geometric figures.

ILLUMINATED SIGN. Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as part of the sign proper.

MONUMENT SIGN. See **GROUND MOUNTED SIGN.**

NONCOMBUSTIBLE MATERIAL. Any material, no part of which will ignite and burn when subjected to fire. Any material which liberates flammable gas when heated to a temperature of 1380°F., for five minutes, shall not be considered noncombustible for purposes of this chapter.

ON PREMISES SIGN. A sign which directs attention to a business or profession conducted, including commodity, entertainment, or service sold, offered, or manufactured on the premises where the sign is located.

OTHER ADVERTISING STRUCTURE. Any marquee, canopy or awning.

OWNER. Includes his duly authorized agent or attorney, a purchaser, devisee, or any person entitled to an interest in the property in question.

PERSON. Includes an individual and also shall be deemed to include and to be followed by the words firm, corporation, association, estate of trust.

PROJECTING SIGN. Any sign which is attached to a building or other structure and extends beyond the surface of that portion of the building or structure to which it is attached.

(1) **HORIZONTAL PROJECTING SIGN.** Any sign which is greater in width than in height.

(2) **VERTICAL PROJECTING SIGN.** Any sign which is greater in height than in width.

PYLON/POLE SIGN. A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade and does not have the appearance of a solid base.

REBUILD. To reconstruct or alter a structure which may or may not increase its exterior dimensions.

REPAIR. A removal or replacement of any element or part of a sign that does not affect its plan or structural framework or any of its structural members.

ROOF SIGN. Any sign erected, constructed or maintained, wholly or partially, upon or over the roof of any structure, whether supported on the roof structure or in any other manner.

SETBACK, SIGN. The minimum distance required between any property line and any portion of a sign or sign structure.

SIGN. Includes every sign, freestanding sign, billboard, ground mounted sign, monument sign, wall sign, window sign, roof sign, illuminated sign, pylon/pole sign, and projecting sign, and includes any announcement, declaration, demonstration, display illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

STRUCTURE. Includes a combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, swimming pool, wading pool, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, or the like, including any construction of any kind affecting or endangering life or property.

STRUCTURAL TRIM. The molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

TEMPORARY SIGN. Any sign which is not permanently affixed either to the land or to a permanent building on the land. All movable devices, including but not limited to banners; suspended cloth, fabric or cardboard pennants; flags (not intended to include flags of any nations); including feather flags; searchlights; twirling or sandwich-type signs; sidewalk or curb signs; and balloons or other air or gas-filled figures are temporary signs, whether or not they are attached to an electric or other power source.

WALL SIGN. Includes all flat signs of solid face construction which are placed against or painted on a building or other structure and attached to the exterior front, rear or side wall of any building or other structure.

('78 Code, § 15.12.010) (Ord. 57, passed - -62; Am. Ord. 549, passed - -82; Am. Ord. 1799, passed 2-4-19)

§ 15.12.020 PERMIT; REQUIRED.

It is unlawful for any person, firm or corporation, either directly or indirectly, or by its agents, to proceed with the erection, alteration, or relocation of any sign or signs in the city unless application for a permit has been made with the Zoning Officer and a permit has been issued therefor.

('78 Code, § 15.12.020) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.030 PERMIT; APPLICATION.

An application for a permit shall be submitted to the Zoning Officer on the form supplied by him and shall be accompanied by plans and specifications setting forth the character of the sign in all its structural parts; an accurate sketch of the property designating the location of all existing and proposed signs; and, when requested by the Building Commissioner, a copy of the stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this chapter and all other laws and ordinances of the city as well as such other information as the Building Commissioner may deem necessary. Further, an application for an illuminated sign shall be accompanied by a certificate of compliance with all requirements of the Underwriters' Laboratory, or Code of Electrical Department of the state.

('78 Code, § 15.12.030) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.040 PERMIT; FEES.

The applicant for any permit for the erection, alteration, relocation or structural repair of all signs, shall, at the time of his application, pay to the city clerk for the use of the city a fee of \$10 for each \$1,000 or fractional part thereof, of the estimated cost of any such sign, except that the fee for the relocation of a sign shall be \$5.

(78 Code, § 15.12.040) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.050 RESERVED.

(78 Code, § 15.12.050) (Ord. 57, passed - -62; Am. Ord. 549, passed - -82; Am. Ord. 1799, passed 2-4-19)

§ 15.12.060 ISSUANCE OF PERMITS.

The Building Commissioner shall act upon the application for a permit within 15 days after its receipt by either approving or rejecting it, or requiring modification of the plans and specifications. When the Building Commissioner has approved the application, the City Clerk shall issue the permit. Every permit shall be considered cancelled if active work is not commenced within a period of 60 days from the date of its issue.

(78 Code, § 15.12.060) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.065 TEMPORARY SIGNS.

Temporary signs are not allowed, except that the City Clerk in his/her discretion may issue a permit to the person or entity desiring to erect a temporary sign. The issuance of the permit shall be subject to the following requirements and limitations:

(A) The person or entity desiring the permit must fill out an application for the permit. The application shall be signed by the applicant and shall require the following information

- (1) The name of the person or entity filling out the application;
- (2) The name of the person or entity that desires to display the temporary sign;
- (3) The name of the person or entity that owns the sign;
- (4) The address where the sign will be displayed;
- (5) The dates between which the sign is sought to be displayed;
- (6) A statement as to whether the sign will be lighted and serviced by electric power; and
- (7) A statement that the information on the application is true to the best of the applicant's belief.

(B) Upon the filling out and signing the application, the applicant shall return it to the City Clerk with a nonrefundable application fee of \$25. The City Clerk shall approve or disapprove the application. The application form shall contain the alternatives "approved" and "disapproved" one of which the City Clerk shall designate. The application form shall also contain a signature space for the City Clerk's signature.

(C) Reserved.

(D) No temporary permit shall be valid for a period of more than ten consecutive days.

(E) No more than three permits during any one calendar year shall be allowed for a business, except that upon application to and approval by the City Council, no more than an additional six permits may be issued by the City Clerk upon compliance with division (B) of this section. City Council approval shall not be withheld upon a showing of commercial necessity or hardship.

(F) The rules concerning temporary signs set out in this section shall not apply as follows:

(1) To temporary signs placed on private property advertising for sale the real estate on which the temporary sign is placed, provided however that any sign, pennant, streamer, banner, or other device upon which is placed any words, designs or symbols with reference to the rental of real property may not be displayed unless the yearly fee of \$100 or where applicable, the temporary permit fee has been paid.

(2) To political signs for candidates running for public office or to political signs the subject matter of which is to be voted on by the public in an election, provided however that all such political signs must be removed from view no later than one week following the election to which such signs apply.

(G) Notwithstanding anything to the contrary contained above in this section, no signs, whether temporary or otherwise, shall be erected, placed, located or otherwise affixed within the parkways of the City of Crest Hill, Illinois, except for any signs set forth in the parkways by federal, state or local governmental entities, or bus stop benches when located in a lawful area or the parkway, as designated by the City of Crest Hill. Without limiting the generality of the foregoing, such restriction shall include by way of illustration, but not by way of limitation, signs such as real estate signs, garage sale signs, directional signs, political signs, advertising signs, and similar signs of a like kind and nature. For the purposes of this division (G), **PARKWAY** shall be defined as the area between the street curb and the sidewalk, and in those areas where no sidewalk exists, the **PARKWAY** shall include any portion of the right-of-way not improved by a street or sidewalk. All signs in violation of this division (G) shall be subject to immediate removal by the city.

(78 Code, § 15.12.060) (Ord. 549, passed - -82; Am. Ord. 766, passed - -90; Am. Ord. 781, passed - -90; Am. Ord. 796, passed - -91; Am. Ord. 805, passed - -91; Am. Ord. 1467, passed 10-6-08; Am. Ord. 1664, passed 5-19-14; Am. Ord. 1799, passed 2-4-19; Am. Ord. 1812, passed 6-17-19)

§ 15.12.067 ON PREMISES SIGNS.

Only on premises signs are permitted in any zoning district and must comply with the regulations set forth in this chapter. Off-premises signs are not permitted, except when approved by City Council. (Ord. 1799, passed 2-4-19)

§ 15.12.070 SIGNS IN RESIDENCE DISTRICTS.

The following type of signs shall be permitted in residence districts:

(A) Reserved.

(B) *Freestanding signs for the residential districts.*

(1) Freestanding signs within the residential district are only allowed for residential developments, schools, churches, hospitals, and permitted buildings; and uses other than dwellings and must comply with the following regulations.

(a) *Permitted number.* One freestanding sign is permitted per public right-of-way for schools, churches, hospitals, and permitted buildings and uses other than dwellings. Residential developments may be allowed one freestanding sign per entrance to the development, however no more than two signs per public-right-of-way.

(b) *Setback.* All freestanding signs must maintain a setback of not less than ten feet from the property line and no signs may be permitted within a sight triangle, except for safety-related signs. No freestanding sign shall conflict with drainage.

(c) *Height.* No freestanding sign shall be greater than ten feet in height. The base of the sign is included in the calculation of the overall height of the sign, but not the area of the sign.

(d) *Area.* The maximum allowable area for freestanding signs is 20 square feet.

(e) *Calculation of sign area for freestanding signs.* Electronic message center/changeable copy signs are strictly prohibited on residential development signs. In the case where electronic message/changeable copy is included in a sign, the changeable copy portion of the sign shall not exceed 20 square feet and will not be counted towards the area of the sign but will be counted towards the overall height.

(f) *Landscaping.* Landscaping shall be provided around the base of each freestanding sign. The landscaping shall be well maintained which shall include but not be limited to the removal of dead or dying plant material and weeds. All signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious rubbish.

(g) *Illumination.* Freestanding signs must be externally illuminated and be in compliance with all current electrical codes. The illumination of the sign should be done in such a manner as to not create a hazard to motorists. Internally illuminated signs in the residential districts are prohibited.

(h) *Material and design.* Freestanding signs shall be constructed of wood or masonry material. Architectural features will not be counted in height or the area of the sign. All structural supports of the signs shall either be encased in a masonry material or painted/coated and maintained in a like new condition. All posts, anchors and bracing shall be treated to protect them from moisture by creosoting or other approved methods when they rest upon or enter into the ground.

(i) All freestanding signs must comply with the regulations established by § 15.12.080 of this chapter.

(C) Real estate signs advertising the sale or rental of premises on which sign is located; provided, the area on one side of any such sign shall not exceed nine square feet and not more than two such signs shall be erected for any property held in single and separate ownership.

(D) Trespassing, entrance, exit and parking signs or signs indicating the private nature of a driveway or premises; provided, that the area on one side of any such sign shall not exceed two square feet.

(E) Temporary signs of mechanics and artisans; provided, that such signs shall be erected only on the premises where such work is being performed, the area of one side of any such sign shall not exceed 12 square feet, and such signs shall be removed promptly upon completion of the work;

(F) Public utility signs in connection with the identification, operation, or protection of a public utility; provided, that the area on one side of any such sign shall not exceed nine square feet;

(G) Bulletin boards not over 15 square feet in area for public, charitable or religious institutions when the same are located on the premises of such institutions.

('78 Code, § 15.12.070) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.080 SIGNS IN BUSINESS, OFFICE AND MANUFACTURING DISTRICTS.

The following types of signs shall be permitted in business, office and manufacturing districts:

(A) Any sign permitted in residence districts.

(B) Real estate signs advertising the sale or rental of premises on which the sign is located; provided, that the area on one side of any such sign shall not exceed 20 square feet, and not more than two such signs shall be erected for any property held in single and separate ownership.

(C) *Wall signs.* Wall signs are permitted within the business, office, and manufacturing districts in accordance with the regulations outlined below:

(1) *Permitted number.* One wall sign is permitted per public right-of-way. In no case shall more than two such signs be erected upon each frontage. One additional wall sign may be erected on any premises abutting upon a railroad right-of-way.

(2) *Placement of sign.* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached. No wall sign shall be permitted to extend more than 15 inches beyond the building line, and shall not be attached to a wall of a height of less than ten feet above the ground level.

(3) *Allowable area.* Any one wall sign shall not exceed 15% of the wall area of the wall surface, including window and door areas on which they are displayed.

(4) *Illumination.* Wall signs may be externally or internally illuminated and be in compliance with all current electrical codes. The illumination of the sign should be done in such a manner as to not create a hazard to motorists.

(5) *Materials required.* All wall signs shall have a surface or facing of noncombustible material. However, combustible structural trim may be used thereon.

(6) Automobile dealers having a new car franchise may select one street front of their choice and be permitted, in addition to those signs permitted per this chapter, one sign for each make of new automobile offered for sale on the premises, and no such additional sign shall exceed 20 square feet.

(7) Wall signs are prohibited in residential districts, unless installed on schools, churches, hospitals, and permitted buildings and uses other than dwellings, which shall comply with the regulations outlined for wall signs in the business, manufacturing and office districts, per § 15.12.080.

(D) *Freestanding sign.* Freestanding signs are permitted within the business, office, and manufacturing districts in accordance with the regulations outlined below.

(1) Freestanding signs in business, manufacturing, and office districts:

(a) *Permitted number.* One freestanding sign is permitted per public right-of-way.

(b) *Setback.* All freestanding signs must maintain a setback of not less than ten feet from the property line and no signs may be permitted within a sight triangle, except for safety-related signs. No freestanding sign shall conflict with drainage.

(c) *Height.* The height of a freestanding sign is based on the acreage of the property in which the sign is representing. The height of the sign may be based on the total acreage of a development or each individual lot. The base or pole of the sign is included in the calculation of the overall height of the sign, but not the area of the sign. The overall height of the sign shall be in accordance with the height established in Table A entitled Allowable Sign Area and Height for Business Districts, below. Freestanding signs in the office or manufacturing district are restricted to an overall maximum height of 15 feet.

(d) *Allowable sign area within the business districts.* The maximum allowable area for freestanding signs is based on the acreage of the property in which the sign is representing. The allowable area of the sign maybe based on the total acreage of a development or each individual lot. The base of the sign is not included in the calculation of the overall area of the sign. In the case where the freestanding sign includes the name of the center or development, this text shall be included in the calculation of the overall height of the sign, but not the area. The allowable area of the freestanding sign in the business districts shall be in accordance with the sign area established in Table A entitled Allowable Sign Area and Height for Business Districts, below. Freestanding signs in the office or manufacturing district are restricted to a maximum area of 50 square feet.

Table A: Allowable Sign Area and Height For Business Districts

<i>Lot or Development Acreage</i>	<i>Allowable Sign Area</i>	<i>Allowable Sign Height</i>
Less than 5 acres	50 square feet	15 feet
5.1 acres to 15 acres	75 square feet	20 feet
15.1 acres to 25 acres	100 square feet	25 feet
25.1 acres and above	150 square feet	30 feet

(e) *Electronic message center sign/changeable copy.* In the case of electronic message center/changeable copy signs, the electronic message/changeable copy portion of the sign shall not exceed 20 square feet and will not be counted towards the area of the sign but will be included in the overall height.

(f) *Landscaping.* Landscaping shall be provided around the base of each freestanding sign. The landscaping shall be well maintained which shall include, but not be limited to the removal of dead or dying plant material and weeds. All signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious rubbish.

(g) *Illumination.* Freestanding signs may be externally or internally illuminated and be in compliance with all current electrical codes. The illumination of the sign should be done in such a manner as to not create a hazard to motorists.

(h) *Material and design.* Freestanding signs shall be constructed of materials complementary to the buildings on the property on which the sign is located. All structural supports of the signs shall either be encased in a masonry material or painted/coated and maintained in a like new condition. All posts, anchors and bracing shall be treated to protect them from moisture by creosoting or other approved methods when they rest upon or enter into the ground.

(i) Architectural features will not be counted towards the height or the area of the sign.

(j) Automobile dealers having a new car franchise may select one street front of their choice and be permitted, in addition to those signs permitted per this chapter, one sign for each make of new automobile offered for sale on the premises, and no such additional sign shall exceed 20 square feet.

(2) All freestanding signs must comply with the following regulations:

(a) *Construction.* All freestanding/ground signs shall have a surface or facing of noncombustible material; provided, however, that combustible material may be safely and securely built or attached to the sign structure. No nails, tacks, or wire shall be permitted to protrude therefrom.

(b) Reserved.

(c) Reserved.

(d) *Bracing, anchorage and supports.* All freestanding/ground signs shall be securely built, constructed and erected upon posts and standards sunk at least three feet below the natural surface of the ground.

(3) In addition to the regulations outlined in § 15.12.080 of this chapter, all pylon signs must comply with the following requirements:

(a) *Construction.* Every pylon sign or pylon upon which a sign is to be erected, including all braces and supports thereof, shall be designed by a registered architect and shall be approved by the Building Commissioner as in compliance with the sign code of the city.

(b) *Anchorage and supports.* All pylon signs or pylon upon which a sign is to be erected shall be set in a concrete base designed to support such sign or pylon in a manner to afford the greatest protection and safety to the public.

(c) *Limitation of glass.* The lettering or advertising designs of signs to be illuminated may be composed of glass or other transparent or semitransparent noncombustible material. Any glass forming a part of any sign shall be safety glass or plat glass at least one-fourth inch thick and, in case any single piece or pane of glass has an area exceeding three square feet in area, constructed of wire glass or safety glass shall be permitted on each side of a sign.

(d) *Obstruction of openings.* No sign, nor the braces or chains supporting or slaying same, shall be so erected or constructed so as to obstruct any door, window or fire escape of any building. No sign of any kind shall be attached to a stand pipe or fire escape.

(e) Pylon signs are prohibited in residential districts.

('78 Code, § 15.12.080) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.090 RESTRICTIONS GENERALLY.

The restrictions set forth in §§ 15.12.100 through 15.12.220 shall apply to all permitted sign uses. ('78 Code, § 15.12.090) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.100 WOODEN SIGNS.

All wooden signs must comply with the regulations established for freestanding and wall signs found in § 15.12.080 of this chapter for those signs located in the business, office, and manufacturing districts and § 15.12.070 for those signs located in residential districts.

('78 Code, § 15.12.100) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.110 NONCOMBUSTIBLE SIGNS.

Noncombustible signs shall be entirely constructed of noncombustible materials, including all supports and braces for same. Such signs shall be securely attached to posts or other supporting structures and may be erected so that no part of the sign or structure extends within one foot of any property line when erected at right angles to the street frontage. Such sign structures shall be securely imbedded in concrete base. Signs erected parallel to the street frontage shall be located entirely within the property lines.

('78 Code, § 15.12.110) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.120 ELECTRIC SIGNS.

(A) Electric signs, made of metal or glass with lamps inside the sign or with letters composed of lamps on outside of same, or similar construction, may be erected, provided they are securely attached to posts or other supporting structures by metal supports or fasteners.

(B) Reflectors and lights shall be permitted on ground and wall signs, provided they are equipped with long restraining hoods to concentrate the illumination upon the area of the sign and so as to prevent glare upon the street or adjacent property. No light shall be of the flashing type.

('78 Code, § 15.12.120) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.130 RESERVED.

('78 Code, § 15.12.130) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.140 RESERVED.

('78 Code, § 15.12.140) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.150 ROOF SIGNS.

(A) **ROOF SIGN**, as regulated by this chapter, means any sign erected, constructed and maintained upon or over the roof of any building with the principal support on the roof structure.

(B) Every roof sign, including the upright supports and braces thereof, shall be constructed entirely of incombustible materials. However, combustible structural trim may be used thereon. ('78 Code, § 15.12.150) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.160 PROJECTING SIGNS.

(A) *Construction.* Every projecting sign, including the frames, braces and supports thereof, shall be designed by a structural engineer, registered architect or sign manufacturer and shall be approved by the Building Commissioner of the city and shall be constructed of incombustible or approved combustible materials.

(B) *Location.* Every projecting sign erected or maintained over a public sidewalk shall be placed at least ten feet above the level of the same, and at a distance not greater than two feet from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto, nor shall any projecting sign or part thereof extend more than eight feet from the structure to which it is attached or be nearer the curbline than two feet, whichever is the lesser. Every projecting sign erected or maintained over public driveways, alleys and thoroughfares, other than sidewalks, shall be placed not less than 15 feet above the level of the same, and at a distance measuring from the point of the sign nearest thereto, nor shall any such projecting sign or part thereof extend more than eight feet from the structure to which it is attached.

(C) *Size.* All projecting signs shall be limited to a size of no greater than 15 square feet.

(D) *Erection.*

(1) *Bracing, anchorage and supports.* Projecting signs exceeding ten square feet in area for 50 pounds in weight shall not be attached to nor supported by frame buildings nor the wooden framework of a building. The signs shall be attached to masonry walls with corrosion resistant expansion bolts at least three-eighths inch in diameter which shall be embedded at least five inches into the wall.

(2) *Anchorage with wire prohibited.* No projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting sign be hung or secured to any other sign.

(E) *V-shaped signs prohibited.* V-shaped signs, consisting of two single-faced signs erected without a roof or ceiling, shall not be permitted.

(F) Projecting signs are prohibited in residential districts, unless installed on schools, churches, hospitals and permitted buildings and uses other than dwellings. ('78 Code, § 15.12.160) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.170 PYLON SIGNS.

(A) *Construction.* Every pylon sign or pylon upon which a sign is to be erected, including all braces and supports thereof, shall be designed by a registered architect and shall be approved by the Building Commissioner as in compliance with the sign code of the city.

(B) *Anchorage and supports.* All pylon signs or pylon upon which a sign is to be erected shall be set in a concrete base designed to support such sign or pylon in a manner to afford the greatest protection and safety to the public.

(C) *Limitation of glass.* The lettering or advertising designs of signs to be illuminated may be composed of glass or other transparent or semi transparent noncombustible material. Any glass forming a part of any sign shall be safety glass or plat glass at least one-fourth inch thick and, in case any single piece or pane of glass has an area exceeding three square feet in area, constructed of wire glass or safety glass shall be permitted on each side of a sign.

(D) *Obstruction of openings.* No sign, nor the braces or chains supporting or slaying same, shall be so erected or constructed so as to obstruct any door, window or fire escape of any building. No sign of any kind shall be attached to a stand pipe or fire escape.
(78 Code, § 15.12.170) (Ord. 57, passed - -62)

§ 15.12.180 ERECTION AT INTERSECTION; VISIBILITY.

No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.
(78 Code, § 15.12.180) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.190 CURB OR SIDEWALK SIGNS PROHIBITED.

There shall be no curb or sidewalk signs, nor shall signs be attached or suspended from any outdoor bench, chair, or other article.
(78 Code, § 15.12.190) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.200 TACKING SIGNS ON POLES.

It is unlawful for any person, firm or corporation to advertise by sign tacking or advertise by tacking, pasting or tying on poles, posts, trees, buildings, fences or other structures. Real estate directional signs shall not be permitted.
(78 Code, § 15.12.200) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.210 REMOVAL.

Any sign now or hereafter existing which no longer advertises a bona fide business conducted on the property on which the sign is erected must be removed within 30 days after written notification from the Building Commissioner and, upon failure to comply with such notice, the Building Commissioner is authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.
(78 Code, § 15.12.210) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.220 ANIMATED AND INTENSELY LIGHTED SIGNS.

No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights of over forty watts per lamp. Public service information signs and other electronic message centers classified as "changing signs" are permitted and not subject to this wattage-rating per lamp restriction. However, all electronic message center signs shall be equipped with technology that automatically dims the electronic message center according to ambient light conditions.

("78 Code, § 15.12.220) (Ord. 57, passed - -62; Am. Ord. 549, passed - -82; Am. Ord. 1799, passed 2-4-19)

§ 15.12.225 PERIMETER OR BORDER WINDOW LIGHTING AND ATTENTION GETTING DEVICES.

(A) Lighting around the perimeter of window or door openings with a visible source of light, such as neon, fluorescent, LED or similar lighting source is hereby prohibited.

(B) Attention-getting devices, except electronic message center signs, as permitted by the chapter shall be prohibited. For the purpose of this regulation, attention-getting devices shall include flashing lights, strings of light bulbs, moving signs, light beams, strobe lights, animated light display, and rotating signs. Lights being displayed in conjunction with traditional holiday decorations shall be exempt.

(Ord. 1740, passed 7-17-17; Am. Ord. 1799, passed 2-4-19)

§ 15.12.230 PERMIT FEE NOT REQUIRED WHEN.

No permit or fee shall be required for the following types of signs: official traffic signs, real estate signs advertising sale or rental, trespassing signs or signs indicating private nature of a driveway or premises, temporary signs of contractors, builders, plumbers, artisans and/or mechanics, and public utility signs or other signs that do not advertise a product, service or event.

("78 Code, § 15.12.230) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.240 POWERS AND DUTIES OF BUILDING COMMISSIONER.

The powers and duties of the Building Commissioner shall be to:

(A) Examine all applications, plans and specifications submitted and to approve them within 15 days if in conformity with the provisions of this chapter, and thereupon to notify the City Clerk to issue a permit for such sign; or to disapprove them if they do not conform to this chapter, and to refuse permits therefor until they are modified so as to conform to such requirements, to give notice to stop work and to prosecute for any infraction or violation of this chapter.

(B) Inspect all signs during the course of erection and to see that the provisions of this chapter and of the permit are carried out.

(C) Keep all applications, plans and specifications and a record of all permits, refusals, inspections, and other action taken by him, which record shall be kept on file with the City Clerk.

(D) Stop the erection, alteration, relocation or repair of any sign where the same is being carried on contrary to the provisions of this chapter, to order the removal of any materials that may be unsafe or unfit for the purpose for which they were intended to be used, in accordance with the terms and definitions of this chapter, and to revoke the permit for such cause.

(E) Direct that precautions shall be taken by the erection of suitable scaffolding or other protection whenever the work of erecting, altering, relocating or repairing of any sign may in his judgment affect the public safety.

(F) Inspect annually, or at such time as he deems necessary, each sign or other advertising structure regulated by this chapter for the purpose of ascertaining whether the same is secure or insecure and whether it is in need of removal or repair.

(G) Cause to be removed summarily and without notice any sign or other advertising structure which is an immediate peril to persons or property.

('78 Code, § 15.12.240) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.250 NONCONFORMING SIGNS.

Every sign or other advertising structure, except for temporary signs, in existence on the adoption of the ordinance codified in this chapter which violates or does not conform to the provisions hereof, may continue to exist and shall be deemed a legal non-conforming sign. Should the non-conforming signs be moved, removed or altered or replaced, it shall then be required to conform with the provisions of this chapter and regulations. These provisions shall not preclude one from completing routine maintenance or modifications that are required to address current or potential safety concerns. All non-conforming temporary signs, as defined by § 15.12.010, must be removed within three months from the adoption of this chapter, February 4, 2019.

('78 Code, § 15.12.250) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-2019)

§ 15.12.260 REVOCATION OF PERMIT.

The Mayor is authorized and empowered to revoke any permit issued upon failure of the holder thereof to comply with any provision of this chapter and regulations. All rights and privileges acquired under the provisions of this chapter, or any amendment thereto, are mere licenses revocable at any time.

('78 Code, § 15.12.260) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.270 APPEAL OF DECISIONS.

Whenever the applicant of any sign about to be or in the course of being erected, altered, relocated or repaired, or any other person, takes exception to the decision of the Building Commissioner in refusing to approve the manner of construction, or the kinds of materials to be used in the erection, alteration, relocation or repair of any sign, or as to its safety or its compliance with the provisions of this chapter, such applicant or person or his duly-authorized attorney or agent may, within ten days after such decision, take an appeal therefrom to the City Council. Such appeal shall be in writing, shall state the decision of the Building Commissioner and the reasons for the exception taken thereto, shall be verified by affidavit and shall be filed with the City Clerk. The person appealing shall have the right to appear and to be heard, if he states his desire to do so in his written appeal. A prompt decision of such appeal shall be made by the City Council and shall be duly recorded and the decision shall be final.

('78 Code, § 15.12.270) (Ord. 57, passed - -62; Am. Ord. 1799, passed 2-4-19)

§ 15.12.280 VIOLATION; PENALTY.

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$75, but no more than \$750 for each offense.

(78 Code, § 15.12.280) (Ord. 549, passed - -82; Am. Ord. 766, passed - -90; Am. Ord. 998, passed 7-1-96; Am. Ord. 1799, passed 2-4-19)

§ 15.12.290 STREET NUMBERS FOR BUILDINGS.

(A) *Establishment of number.* From and after the adoption of this section, the City Engineer shall, from time to time as necessary, establish street numbers for all lots or parcels of land situated within the corporate limits of the city, both for lots or parcels now fronting or adjoining existing streets and for all lots or parcels which may hereafter front or adjoin all new streets and highways hereinafter constructed and laid out in the city.

(B) *Minimum size and color restrictions.* The owners or persons in possession of any buildings on any lot or parcel for which there has been designated a street number shall display in a prominent place on the building the number so designated so that the same is plainly visible and readable by a person with normal vision from the street or highway on which the parcel or lot fronts or adjoins, which number shall not be less than three inches each in height and which number shall be of a shade or color which contrasts with the background thereof.

(C) *Duty to maintain.* It shall be the duty of the owner or person in possession of each such building upon which the numbers are displayed to keep and maintain the numbers in good condition so that they remain clearly visible and readable by a person with normal vision from the street or highway on which the parcel or lot fronts or adjoins.

(D) *Removing or defacing numbers.* No person shall remove or deface any house number placed upon any house in accordance with the provisions of this section. No person shall retain any number on his house other than that provided by the provisions hereof. No owner, agent or person in possession of any house shall refuse or neglect to number the house or cause the same to be numbered in conformity with this section.

(E) *Penalty.* Any person who shall violate the provisions of this section shall be fined not less than \$100 nor more than \$500 for each violation hereof. Each day a violation exists shall be deemed to be a separate violation.

(Ord. 928, passed 9-6-94; Am. Ord. 1799, passed 2-4-19)

CHAPTER 15.16: FLOOD DAMAGE PREVENTION

Section

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§ 15.16.010 PURPOSE.

This chapter is enacted pursuant to the police powers granted to this city by ILCS Ch. 65, Act 5, §§ 1-2-1, 11-12-12, 11-30-2, 11-30-8, and 11-31-2. The purpose of this chapter is to maintain this city's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This chapter is adopted in order to accomplish the following specific purposes:

- (A) To meet the requirements of ILCS Ch. 615, Act 5, § 18(g) Rivers, Lakes and Streams Act;
- (B) To assure that new development does not increase the flood or drainage hazards to others, or create unstable conditions susceptible to erosion;
- (C) To protect new buildings and major improvements to buildings from flood damage;
- (D) To protect human life and health from the hazards of flooding;
- (E) 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;
- (F) To make federally subsidized flood insurance available for property in the city by fulfilling the requirements of the National Flood Insurance Program;
- (G) To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended;

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

(I) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits, and enhance community and economic development.

(Ord. 1798, passed 2-4-19)

§ 15.16.020 DEFINITIONS.

For the purposes of this chapter, the following definitions are adopted:

ACCESSORY STRUCTURE. A non-habitable structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure, and as defined by Section 2 of the City of Crest Hill Zoning Ordinance.

ACT. An act in relation to the regulation of the rivers, lakes, and streams of the State of Illinois, Ch. 615, Act 5, §§ 5 et seq.

APPLICANT. Any person, firm, corporation, or agency which submits an application.

APPROPRIATE USE. Only uses of the designated floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in § 15.16.702. In no case shall a use be considered an "appropriate use" unless permitted under the City of Crest Hill Zoning Ordinance for the Zoning District in which the property is located.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in Section 15.16.040 of this code.

BASE FLOOD ELEVATION (BFE). The elevation in relation to mean sea level of the crest of the base flood.

BASEMENT. That portion of the building having its floor partly or wholly subgrade (below ground level).

BUILDING. A walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

CHANNEL. Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainageway, which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

CHANNEL MODIFICATION. Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping (or other armoring), widening, deepening, straightening, relocating, lining, and significant removal of native vegetation from the bottom or banks. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g. straightening).

COMPENSATORY STORAGE. An artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase off-site floodwater elevations and flows.

CONDITIONAL APPROVAL OF A DESIGNATED FLOODWAY MAP CHANGE. Preconstruction approval by IDNR/OWR and FEMA of a proposed change to the floodway map. This preconstruction approval, pursuant to this part, gives assurances to the property owner that once an appropriate use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

CONDITIONAL LETTER OF MAP REVISION (CLOMR). A letter which indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective flood hazard boundary map or flood insurance rate map, once the as-built plans are submitted and approved.

CRITICAL FACILITY. Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances), sewage treatment plants, water treatment plants, and pumping stations. Flood protection is recommended for all critical facilities.

DAM. All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Dams may also include weirs, restrictive culverts or impoundment structures. Underground water storage tanks are not included.

DELEGATED COMMUNITY. A community delegated by the state to have permitting authority in the floodway.

DESIGNATED FLOODWAY. The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse, generally depicted on the FEMA FIRM map, which is needed to store and convey the existing 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10% increase in velocities.

(1) The floodways are designated on the countywide flood insurance rate map of Will County prepared by FEMA and dated February 15, 2019. When two floodway maps exist for a waterway, the more restrictive floodway limit shall prevail.

(2) The floodways for those parts of unincorporated Will County that are within the extraterritorial jurisdiction of the city that may be annexed into the city are designated for Des Plaines River, Tributary A Des Plaines River, Rock Run North, St. Francis Academy Creek, St. Anne School Tributary, and Sunnyland Drain on the countywide Flood Insurance Rate Map prepared by FEMA and dated February 15, 2019.

(3) To locate the designated floodway boundary on any site, the designated floodway boundary should be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the designated floodway boundary, IDNR/OWR should be contacted for the interpretation.

DEVELOPMENT. Any man-made change to real estate, including:

- (1) Construction, reconstruction, repair, relocation or placement of a building or any addition to a building;
- (2) Substantial improvement of an existing building;
- (3) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer or recreational vehicle on a site for more than 180 days in any calendar year. If a travel trailer or recreational vehicle is on site for more than 180 days in any calendar year, it must be fully licensed and ready for highway use; and must be in full compliance with the regulations established in Section 8 of the City of Crest Hill Zoning Ordinance;
- (4) Installing utilities, construction of roads, bridges, or similar projects;
- (5) Demolition of a structure, redevelopment of a site, clearing of land as an adjunct of construction;
- (6) Construction or erection of levees, walls, fences, dams, or culverts; channel modification;
- (7) Filling, dredging, grading, excavating, paving, drilling, mining or other non-agricultural alterations of the ground surface;
- (8) Storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters;
- (9) Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal;
- (10) Development does not include such activities as re-surfacing of pavement when there is no increase in elevation, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, routine maintenance of buildings or construction of levees.

ELEVATION CERTIFICATES. A form published by FEMA that is used to certify the elevation to which a building has been elevated.

EROSION. The general process whereby soils are moved by flowing water or wave action.

EXEMPT ORGANIZATIONS. Organizations which are exempt from this chapter per Illinois Compiled Statutes (ILCS) including state, federal, or local units of government.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the city initial floodplain management regulations.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. Federal Emergency Management Agency and its regulations at 44 CFR 59-79, as amended.

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

FLOOD FREQUENCY. A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

FLOOD FRINGE. That portion of the floodplain outside of the designated floodway.

FLOOD INSURANCE RATE MAPS (FIRM). A map prepared by FEMA that depicts the floodplain or Special Flood Hazard Area within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways and show base flood elevation.

FLOOD INSURANCE STUDY. An examination, evaluation and determination of flood hazards and if appropriate, corresponding water surface elevations.

FLOODPLAIN OR SPECIAL FLOOD HAZARD AREA (SFHA). These two terms are synonymous. Means any land area susceptible to being inundated by water from any source. Floodplain also includes those areas of known flooding as identified by the community.

(1) The floodplains are those lands within the jurisdiction of the city that are subject to inundation by the base flood. The floodplains of the city are generally identified as such on panel number(s) 17197C0134G, 17197C0135G, 17197C0142G, 17197C0153G, 17197C0154G, 17197C0155G, 17197C0161G, and 17197C0162G of the countywide Flood Insurance Rate Map of Will County as prepared by the FEMA and dated February 15, 2019.

(2) The floodplains of those parts of unincorporated Will County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on panel numbers(s) 17197C0134G, 17197C0135G, 17197C0142G, 17197C0153G, 17197C0154G, 17197C0155G, 17197C0161G, and 17197C0162G of the countywide Flood Insurance Rate Map prepared for Will County by the FEMA and dated February 15, 2019.

FLOODPROOFING. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MITIGATION. Includes those measures necessary to minimize the negative effects which floodplain development activities might have on the public health, safety, and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. Manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) has been completed on or after the effective date of the city floodplain management regulations.

NAVD 88. National American Vertical Datum of 1988. NAVD 88 supersedes the National Geodetic Vertical Datum of 1929 (NGVD).

NATURAL. When used in reference to channels means those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed, or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is re-established. Similarly, a modified channel may be restored to more natural conditions by man through regrading and revegetation.

ORDINARY HIGH WATER MARK (OHWM). The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

PUBLIC FLOOD CONTROL PROJECT. A flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures, including a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction, or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

PUBLIC BODIES OF WATERS. All open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the State of Illinois, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

RECREATIONAL VEHICLE OR TRAVEL TRAILER. For the purpose of this chapter only shall mean a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGIONAL PERMITS. Regional permits are offered for pre-approved projects which are considered minor projects that are permissible per IDNR/OWR Part 3708 rules for Northeastern Illinois regulatory floodways. A complete listing of the terms and conditions for specific project types can be obtained from the IDNR/OWR website.

REGISTERED LAND SURVEYOR. A land surveyor registered in the State of Illinois, under the Illinois Land Surveyors Act. (225 ILCS 330/1, et seq.)

REGISTERED OR LICENSED PROFESSIONAL ENGINEER (P.E.). An engineer registered in the State of Illinois, under the Illinois Professional Engineering Practice Act. (ILCS Ch. 225, Act 325, §§ 1 et seq.).

REPAIR, REMODELING, OR MAINTENANCE. Development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

REPETITIVE LOSS. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

RETENTION/DETENTION FACILITY. A retention facility stores stormwater runoff without a gravity release. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

RIVERINE FLOODPLAIN. Any floodplain or SFHA subject to flooding from a river, creek, intermittent stream, ditch, on-stream lake system, or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

RUNOFF. The water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground, or collected in channels or conduits.

SEDIMENTATION. The processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

SPECIAL FLOOD HAZARD AREA (SFHA). See **FLOODPLAIN**.

START OF CONSTRUCTION. Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimensions of the building.

STATEWIDE PERMITS. Statewide permits are offered for pre-approved projects that are considered minor projects which are permissible per the EDNR/OWR Part 3700 rules. A complete listing of the statewide permits and permit requirements can be obtained from the DONR/OWR website.

STRUCTURE. See **BUILDING**.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cumulative percentage of damage during the life of the building equals or exceeds 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes repetitive loss buildings. See **REPETITIVE LOSS**.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or improvement of a structure taking place during the life of the building in which the cumulative percentage of improvements equals or exceeds 50% of the market value of the structure before the improvement or repair is started, or increases the floor area by more than 20%.

(1) ***SUBSTANTIAL IMPROVEMENT*** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual work done.

(2) The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure" listed on the National Register of Historic Places or the Illinois Register of Historic Places, provided that the alteration will not preclude the structure's continued designation as a historic structure.

TRANSACTION SECTION. Reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance, is presumed to be in violation, until such time as that documentation is provided.

(Ord. 1798, passed 2-4-19)

§ 15.16.030 DUTIES OF THE CITY BUILDING INSPECTOR.

The City Building Inspector shall be responsible for the general administration and enforcement of this chapter which shall include the following:

(A) *Determining the floodplain designation.*

(1) Check all new development sites to determine whether they are in a floodplain using criteria listed in § 15.16.040.

(2) If they are in a floodplain, determine whether they are in a floodway, flood fringe or in a floodplain for which a detailed study has not been conducted and which drains more than one square mile.

(a) If the site is within a flood fringe, the City Building Inspector shall require that the minimum requirements of § 15.16.050 be met.

(b) If the site is within a floodway, the City Building Inspector shall require that the minimum requirements of § 15.16.060 be met.

(c) If the site is located within a floodplain for which no detailed study has been completed and approved, the City Building Inspector shall require that the minimum requirements of § 15.16.070 be met.

(B) *Professional engineer review.*

(1) If the development site is within a floodway or in a floodplain for which a detailed study has not been conducted and which drains more than one square mile, the permit shall be referred to a P.E. under the employ or contract of the city for review to ensure that the development meets §§ 15.16.060 or 15.16.070.

(2) In the case of an appropriate use, the P.E. shall state in writing that the development meets the requirements of § 15.16.060.

(C) *Dam safety requirements.* Dams are classified as to their size and their hazard/damage potential in the event of failure. Permits for dams may be required from IDNR/OWR. Contact IDNR/OWR to determine if a permit is required. If a permit is required, a permit application must be made to IDNR/OWR prior to the construction or major modification of jurisdictional dams.

(D) *Other permit requirements.* Ensure any and all required federal, state and local permits are received prior to the issuance of a floodplain development permit.

(E) *Plan review and permit issuance.*

(1) Ensure that all development activities within the floodplains of the jurisdiction of the city meet the requirements of this chapter.

(2) Issue a floodplain development permit in accordance with the provisions of this chapter and other regulations of this community when the development meets the conditions of this chapter.

(F) *Inspection review.*

(1) Inspect all development projects before, during, and after construction to assure proper elevation of the structure and to ensure compliance with the provisions of this chapter.

(2) Schedule on an annual basis an inspection of the floodplain and document the results of the inspection.

(G) *Substantial damage and substantial improvement determinations.* Establish, in coordination with the City Building Inspector, procedures for administering and documenting determinations, as outlined below, of substantial improvement and substantial damage made pursuant to § 15.16.080.

(1) Determine the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.

(3) Determine and document whether the proposed work constitutes substantial improvement or substantial damage.

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the city and this chapter is required.

(H) *Elevation and floodproofing certificates.* Maintain permit files including:

(1) An elevation certificate certifying the elevation of the lowest floor (including basement) of a residential or non-residential building subject to § 15.16.080 of this chapter; and/or

(2) The elevation to which a non-residential building has been floodproofed, using a Floodproofing Certificate, for all buildings subject to § 15.16.080 of this chapter.

(I) *Records for public inspection.* Maintain for public inspection and furnish upon request all permit records, including but not limited to base flood data, floodplain and designated floodway maps, copies of federal or state permit documents, variance documentation, soil compaction records, Conditional Letter of Map Revision, Letter of Map Revision, Letter of Map Amendment, "as-built" elevation, floodproofing certificates, and elevation certificates for all buildings constructed subject to this chapter.

(J) *State permits.* Ensure that construction authorization has been granted by IDNR/OWR, for all development projects subject to §§ 15.16.060 and 15.16.070 of this chapter, unless enforcement responsibility has been delegated to the City. However, the following review approvals are not delegated to the City and shall require review or permits from IDNR/OWR:

- (1) Organizations which are exempt from this Chapter, as per the Illinois Compiled Statutes;
- (2) IDNR/OWR projects, dams and all other state, federal or local unit of government projects, including projects of the city, except for those projects meeting the requirements of § 15.16.15.16.060(C);
- (3) An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per § 15.16.060(C);
- (4) An engineer's analysis of the flood profile due to § 15.16.060(C);
- (5) Alternative transition sections and hydraulically equivalent compensatory storage as indicated in § 15.16.060(C);
- (6) Permit issuance of structures within, under, or over publicly navigable rivers, lakes and streams;
- (7) Any changes in the mapped floodway or published flood profiles.

(K) *Cooperation with other agencies.*

- (1) Cooperate with state and federal floodplain management agencies to improve base flood or 100-year frequency flood and floodway data and to improve the administration of this chapter;
- (2) Submit data to IDNR/OWR and FEMA for proposed revisions of a regulatory map within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map;
- (3) Submit reports as required for the National Flood Insurance Program; and
- (4) Notify FEMA of any proposed amendments to this chapter.

(L) *Promulgate regulations.* Promulgate rules and regulations as necessary to administer and enforce the provisions of this chapter, subject however to the review and approval of IDNR/OWR and FEMA for any chapter changes.

(M) *Variances.* If a variance is to be granted, the City Building Inspector shall review the requirements of § 15.16.100 to make sure they are met. In addition, the City Building Inspector shall complete all notifications requirements.

(N) *Enforcement.* In order to assure that property owners obtain permits as required in the chapter, the City Building Inspector may take any and all actions as outlined in § 15.16.120.
(Ord. 1798, passed 2-4-19)

§ 15.16.040 BASE FLOOD ELEVATION.

(A) This chapter's protection standard is based on the Flood Insurance Study for Will County.

(1) If a base flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available from federal, state or other sources.

(2) When a party disagrees with the best available data, they shall submit a detailed engineering study needed to replace existing data with better data and submit it to IDNR/OWR and FEMA for review and consideration prior to any development of the site.

(B) The base flood elevation for the floodplains of Des Plaines River, Tributary A Des Plaines River, Rock Run North, St. Francis Academy Creek, St. Anne School Tributary, Sunnyland Drain, Mink Creek Tributary, Railroad Creek, Des Plaines River Tributary B, and Des Plaines River Tributary C shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Will County prepared by FEMA dated February 15, 2019 and such amendments to such study and maps as may be prepared from time to time.

(C) The base flood elevation for the floodplains of those parts of Will County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Will County prepared by FEMA and dated February 15, 2019, and such amendments or revisions to such study and maps as may be prepared from time to time.

(D) The base flood or 100-year frequency flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of Will County.

(E) The base flood or 100-year frequency flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Will County shall be according to the best existing data available from federal, state, or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(1) When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine floodplain shall be determined from a backwater model, such as HEC-II, HEC-RAS, or a dynamic model such as HIP.

(2) The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-HMS, HEC-1, TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges.

(Ord. 1798, passed 2-4-19)

§ 15.16.050 OCCUPATION AND USE OF FLOOD FRINGE AREAS.

Development in and/or filling of the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation, and compensatory storage, and other applicable provisions of this chapter. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this section, along with the requirements of § 15.16.080.

(A) *Development permit.*

(1) No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the City Building Inspector.

(2) Application for a development permit shall be made on a form provided by the City Building Inspector.

(a) The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations, using the NAVD of 1988, and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings.

(b) For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of § 15.16.080 of this chapter.

(3) Upon receipt of a development permit application, the City Building Inspector shall compare the elevation of the site to the base flood or 100-year frequency flood elevation.

(a) Any development located on land that can be shown to be higher than the base flood elevation of the current Flood Insurance Rate Map and which has not been filled after the date of the site's first Flood Insurance Rate Map without a permit, as required by this chapter, is not in the floodplain and, therefore, not subject to the requirements of this chapter. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this chapter.

(b) The City Building Inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

(4) The City Building Inspector shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or waivers that may be required for this type of activity. The City Building Inspector shall not issue a permit unless all other federal, state, and local permits have been obtained.

(5) A development permit or approval shall become invalid unless the start of construction for work authorized by such permit, is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(B) *Preventing increased damages.*

(1) No development in the flood fringe shall create a threat to public health and safety.

(2) If fill is being used to elevate the site above the base flood or 100-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the floodplain.

(3) *Compensatory storage.*

(a) Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation.

(b) The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure.

(c) In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied.

(d) All floodplain storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed ten-year flood elevation.

(e) All such excavations shall be constructed to drain freely and openly to the watercourse.

(C) *Construction of a building under a LOMR based on fill.* A person who has obtained a Letter of Map Revision Based on Fill that removes a site in the floodplain due to the use of fill to elevate the site above the BFE, may apply for a permit from the city to construct the lowest floor of a building below the BFE in the floodplain. The City Building Inspector shall not issue such a permit unless the applicant has complied with all the criteria set forth in the following subsection and maintain the documentation verifying such compliance.

(1) Compensatory storage shall be provided per subsection (B) of this section.

(2) The elevation of the lowest opening in the basement wall (i.e., window wells, access ways) shall be at or above the Flood Protection Elevation (FPE).

(3) The lowest adjacent grade to the foundation shall be at or above the FPE, for a minimum distance of ten feet beyond the outside face of the structure. However, if site conditions are such that this requirement cannot be met, the City Building Inspector may waive the ten foot minimum setback if an Illinois Licensed P.E. certifies that an alternative method to protect the building from damage due to hydrostatic pressures has been met. The certifications shall be in the form of a detailed soil and structural design analysis, which shall be submitted to the City Building Inspector for review. The City Building Inspector may require such additional documentation as necessary to prove that the proposed shorter setback distance will keep the structure reasonably safe. In no case shall the setback distance be less than four feet.

(4) The grade around the perimeter of the structure, measured at a distance of 20 feet from the structure, shall be above the BFE. However, if site conditions are such that this requirement cannot be obtained, the City Building Inspector may waive the 20 foot minimum setback distance if an Illinois Licensed P.E. certifies that an alternative method to protect the building from damages due to hydrostatic pressures have been met. A detailed soils analysis and structural design proving that a shorter setback distance will keep the structure reasonably safe from flooding, shall be submitted to the city for review. In no case shall the setback distance be less than four feet.

(5) The ground around the building shall be compacted fill that meets all requirements of this subsection and is at least five feet thick under the basement floor slab. Nothing in this subsection shall be interpreted to require the removal or replacement of fill that was placed as part of a LOMR-F, if such fill consists of material, including soils of similar classification and degree permeability, such as those classified as CH, CL, SC, or ML according to ASTM standard D-2487, Classification of Soils for Engineering Purposes.

(6) The fill material must be homogeneous and isotropic; that is, the soil must be all of one material, and the engineering priorities must be in the same direction.

(7) All fill material and compaction shall be designed, certified, and inspected by an Illinois Licensed P.E., as warranted by the site conditions.

(8) The basement floor shall be at an elevation that is no more than five below the BFE.

(9) There shall be a granular drainage layer beneath the floor slab, and minimum of one quarter horsepower sump pump with a backup power supply shall be provided to remove seepage flow. The pump shall be rated at four times the estimated seepage rate and shall discharge above the BFE and away from the building in order to prevent flooding of the basement or uplift of the floor under the effect of the seepage pressure.

(10) The drainage system shall be equipped with a positive means of preventing backflow.

(11) All foundation elements shall be designed to withstand hydrostatic pressure in accordance with accepted engineering practices.

(12) If the applicant is unable to meet all of the requirements set forth in the preceding paragraphs of this subsection, the City Building Inspector may allow the construction of a basement below the BFE only if the applicant demonstrates that the proposed fill and structure meet the guidelines and requirements set forth in FEMA Technical Bulletin 10-01 and are reasonably safe from flooding. In order to demonstrate that the proposed structure is reasonably safe from flooding, the applicant shall submit a detailed engineering analysis of the proposed fill and foundation wall. The engineered basement study shall be completed in accordance with the latest edition of FEMA Technical Bulletin 10-01, with the analysis of the fill being prepared by an Illinois Licensed P.E.

(13) In order to provide the required compensatory storage on site, in no case shall the depth of excavation in the front and side yards of the lot exceed 18 inches, as measured from the previously existing natural grade. The rear yard shall be permitted to have a greater depth of excavation, if necessary. All such excavation shall be constructed to drain freely and openly to the watercourse or storm sewer system. The use of mechanical means to drain the compensatory storage area will not be permitted. (Ord. 1798, passed 2-4-19)

§ 15.16.060 OCCUPATION AND USE OF DESIGNATED FLOODWAYS.

(A) This section applies to proposed development, redevelopment, site modification or building modification within a designated floodway. The designated floodway for Des Plaines River, Tributary A Des Plaines River, Rock Run North, St. Francis Academy Creek, St. Anne School Tributary, and Sunnyland Drain shall be as delineated on the countywide Flood Insurance Rate Map of Will County and referenced in § 15.16.020. Only those uses and structures will be permitted which meet the criteria in this section. All floodway modifications shall be the minimum necessary to accomplish the purpose of the project. The development shall also meet the requirements of § 15.16.080.

(B) *Development permit.*

(1) No person, firm, corporation, or governmental body, not exempted by state law, shall commence any development in a floodway without first obtaining a development permit from IDNR/OWR.

(2) In a delegated community, an application for a development permit shall be made on a form provided by the City Building Inspector. The application shall include the following information:

(a) Name and address of applicant.

(b) Site location (including legal description) of the property, drawn to scale, on the designated floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area.

(c) Name of stream or body of water affected.

(d) Description of proposed activity.

(e) Statement of purpose of proposed activity.

(f) Anticipated dates of initiation and completion of activity.

- (g) Name and mailing address of the owner of the subject property, if different from the applicant.
- (h) Signature of the applicant or the applicant's agent.
- (i) If the applicant is a corporation, the president or other authorized officer shall sign the application form.
- (j) If the applicant is a partnership, each partner shall sign the application form.
- (k) If the applicant is a land trust, the trust officer shall sign the name of the trustee by him (her) as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein.
- (l) Plans of the proposed activity shall be provided, which include, as a minimum:
 - 1. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;
 - 2. A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations, using the NAVD of 1988, adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), designated floodway limit, floodplain limit, specifications and dimensions of any proposed channel modifications, location and orientation of cross-sections, north arrow, and a graphic or numerical scale;
 - 3. Cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, ten-year frequency flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical);
 - 4. A soil erosion and sediment control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.
 - 5. A copy of the designated floodway map, marked to reflect any proposed change in the designated floodway location.
- (m) Any and all other federal, state, and local permits or approval letters that may be required for this type of development.
- (n) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of § 15.16.060.
- (o) If the designated floodway delineation, base flood or 100-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until IDNR/OWR has indicated conditional approval of the designated floodway map change. No structures may be built until a Letter of Map Revision has been approved by FEMA.

(p) The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and floodplain and floodway limits; sealed by a licensed P.E., licensed architect or licensed land surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 15.16.080 of this chapter.

(q) If the proposed project involves a channel modification, the applicant shall submit the following information:

1. A discussion of the purpose of and need for the proposed work;
2. A discussion of the feasibility of using alternative locations or methods (see § 15.16.060) to accomplish the purpose of the proposed work;
3. An analysis of the extent and permanence of the impacts each feasible alternative identified in this section would have on the physical and biological conditions of the body of water affected; and
4. An analysis of the impacts of the proposed project, considering cumulative effects on the physical and biological conditions of the body of water affected.

(3) The City Building Inspector shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits and approvals that may be required for this type of activity.

(a) The City Building Inspector shall not issue the development permit unless all required federal and state permits have been obtained.

(b) A Licensed P.E., under the employ or contract of the city shall review and approve applications reviewed under this section.

(C) Preventing increased damages and a list of appropriate uses.

(1) The only development in a floodway which will be allowed are appropriate uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter. Only those appropriate uses listed in 17 Ill. Adm. Code Part 3708 will be allowed. The approved appropriate uses are as follows:

(a) Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion, or water quality or habitat for fish and wildlife.

(b) Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water dependent uses;

(c) Storm and sanitary sewer relief outfalls;

(d) Underground and overhead utilities;

(e) Recreational facilities such as playing fields and trail systems, including any related fencing (at least 50% open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions and toilet facilities (four stall maximum) that will not block flood flows nor reduce floodway storage.

(f) Detached garages, storage sheds, or other non-habitable accessory structures that will not block flood flows nor reduce floodway storage;

(g) Bridges, culverts, roadways, sidewalks, railways, runways, and taxiways and any modification thereto;

(h) Parking lots built at or below existing grade where either:

1. The depth of flooding at the 100-year frequency flood event will not exceed 1.0 foot; or

2. The applicant of a short-term recreational use facility parking lot formally agrees to restrict access during overbank flooding events and accepts liability for all damage caused by vehicular access during all overbank flooding events.

(i) Designated floodway regrading, without fill, to create a positive non-erosive slope toward a watercourse.

(j) Floodproofing activities to protect previously existing lawful structures including the construction of water tight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten feet away from the exterior wall of the existing structure, and, which are not considered substantial improvements to the structure.

(k) The replacement, reconstruction, or repair of a damaged building, provided that the outside dimensions are not increased, and if the building was damaged to 50% or more of the market value before the damage occurred, the building will be protected from flooding to the flood protection elevation.

(l) Modifications to an existing building that would not increase the enclosed floor area of the building below the 100-year frequency flood elevation, and which will not block flood flows including but not limited to, fireplaces, bay windows, decks, patios, and second story additions. If the building is improved to 50% or more of the market value before the modification occurred (i.e., a substantial improvement), the building will be protected from flooding to the flood protection elevation.

(2) Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence), and storage of materials except as specifically defined above as an appropriate use.

(3) Within the designated floodway, the construction of an appropriate use, will be considered permissible provided that the proposed project meets the following engineering and mitigation criteria and is so stated in writing with supporting plans, calculations and data by a licensed P.E. and provided that any structure meets the protection requirements of § 15.16.090 of this chapter:

(a) *Preservation of flood conveyance, so as not to increase flood stages upstream.* For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective designated floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective designated floodway conveyance, the following factors shall be taken into consideration:

1. Designated floodway conveyance, "K" = $(1.486/n)(AR^2/3)$ where "n" is Manning's roughness factor, "A" is the effective flow area of the cross-section, and "R" is the ratio of the area to the wetted perimeter. (See Ven Te Chow, Open Channel Hydraulics, (McGraw-Hill, New York 1959)).

2. The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.

3. Transition sections shall be provided and used in calculations of effective designated floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

a. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.

b. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length.

c. When expanding or contracting flows in a vertical direction, a minimum of one-foot vertical transition for every ten feet of stream length shall be used.

d. Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the designated flood way delineation on adjacent properties.

e. All cross-sections used in the calculations shall be located perpendicular to flood flows.

(b) *Preservation of floodway storage so as not to increase downstream flooding.*

1. Compensatory storage shall be provided for any designated floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects.

2. Compensatory storage for fill or structures shall be equal to at least 1.5 times the volume of floodplain storage lost.

3. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced.

4. The compensatory designated floodway storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All designated floodway storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All designated floodway storage lost above the existing 10-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

5. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.

6. There shall be no reduction in floodway surface area, as a result of a floodway modification, unless such modification is necessary to reduce flooding at existing structure.

(c) *Preservation of floodway velocities so as not to increase stream erosion or flood heights.*

1. For all appropriate uses, except bridges or culverts or on-stream structures, the proposed work will not result in an increase in the average channel or designated floodway velocities or stage for all flood events up to and including the 100-year frequency event.

2. In the case of bridges or culverts or on-stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of riprap or other design measures.

(d) *Construction of new bridges or culvert crossings and roadway approaches.*

1. The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements.

2. If the proposed construction will increase upstream flood stages greater than 0.1 feet, the developer must contact IDNR/OWR to obtain a permit for a dam or waiver.

a. The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in § 15.16.040 of this chapter. Bridges and culverts must be analyzed using any commonly accepted FEMA approved hydraulic models.

b. Lost floodway storage must be compensated for per § 15.16.070(B).

c. Velocity increases must be mitigated per § 15.16.070(B).

d. If the crossing is proposed over a public water that is used for recreational or commercial navigation, an IDNR/OWR permit must be received.

e. The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR/OWR for concurrence that a CLOMR is not required by § 15.16.060(C).

f. All excavations for the construction of the crossing shall be designed per § 15.16.060(C).

(e) *Reconstruction or modification of existing bridges, culverts, and approach roads.*

1. The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1-foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage.

2. If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream floodplain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.

3. The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with 17 Ill. Adm. Code Part 3708 (Floodway Construction in Northeastern Illinois) and submitted to IDNR/OWR for review and concurrence before a permit is issued.

(f) *On-stream structures built for the purpose of backing up water.*

1. Any increase in upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the 100-year frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements.

2. A permit or letter indicating a permit is not required must be obtained from IDNR/OWR for any structure built for the purpose of backing up water in the stream during normal or flood flow.

3. All dams and impoundment structures as defined in § 15.16.020 shall meet the permitting requirements of 17 Ill. Adm. Code Part 3702 (Construction and Maintenance of Dams). If the proposed activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:

a. The impoundment is determined to be in the public interest by providing flood control, public recreation, or regional stormwater detention;

b. The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;

c. The impoundment will not cause or contribute to degraded water quality or habitat conditions. Impoundment design should include gradual bank slopes, appropriate bank stabilization measures and a pre-sedimentation basin.

d. A non-point source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals, and other pollutants. If there is more than one municipality in the upstream watershed, the municipality in which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control;

e. The project otherwise complies with the requirements of § 15.16.060.

(g) *Flood proofing of existing habitable, residential and commercial structures.*

1. If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the floodproofing construction shall be placed no further than ten feet from the outside of the building.

2. Compensation of lost storage and conveyance will not be required for floodproofing activities.

(h) *Excavation in the floodway.*

1. When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance or other appropriate uses, transition sections shall be provided for the excavation.

2. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

a. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length; and

b. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length; and

c. When expanding or contracting flows in a vertical direction, a minimum of one-foot vertical transition for every ten feet of stream length shall be used; and

d. Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.

(i) If the proposed activity involves a channel modification, it shall be demonstrated that:

1. There are no practicable alternatives to the activity which would accomplish its purpose with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, flood proofing of existing structures, removal of structures from the floodplain, clearing the channel, high flow channel, or the establishment of a stream side buffer strip or green belt. Channel modification is acceptable if the purpose is to restore natural conditions and improve water quality and fish and wildlife habitat;

2. Water quality, habitat, and other natural functions would be significantly improved by the modification and no significant habitat area may be destroyed, or the impacts are offset by the replacement of an equivalent degree of natural resource values;

3. The activity has been planned and designed and will be constructed in a way which will minimize its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria:

a. The physical characteristics of the modified channel shall match as closely as possible those of the existing channel in length, cross-section, slope and sinuosity. If the existing channel has been previously modified, restoration of more natural physical conditions should be incorporated into channel modification design, where practical.

b. Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion.

c. One-sided construction of a channel shall be used when feasible. Removal of streamside (riparian) vegetation should be limited to one side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation.

d. Clearing of stabilizing vegetation shall be limited to that which is essential for construction of the channel.

e. Channel banks shall be constructed with a side slope no steeper than 3:1 horizontal to vertical, wherever practicable. Native vegetation and gradual side slopes are the preferred methods for bank stabilization. Where high velocities or sharp bends necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock, or rip-rap are preferred approaches. Artificial materials such as concrete, gabions, or construction rubble should be avoided unless there are no practicable alternatives.

f. All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of construction. Erosion blanket or an equivalent material shall be required to stabilize disturbed channel banks prior to establishment of the vegetative cover.

g. If the existing channel contains considerable bottom diversity such as deep pools, riffles, and other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established, where appropriate.

h. A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of downstream water quality.

i. New or relocated channels should be built in the dry season and all items of construction, including vegetation, should be completed prior to diversion of water into the new channel.

j. There shall be no increases in stage or velocity as the channel enters or leaves the project site for any frequency flood unless necessitated by a public flood control project or unless such an increase is justified as part of a habitat improvement or erosion control project.

k. Unless the modification is for a public flood control project, there shall be no reduction in the volume of floodwater storage outside the floodway as a result of the modification; and the project otherwise complies with the requirements of this section.

(j) *Seeding and stabilization plan.* For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.

(k) *Soil erosion and sedimentation measures.* For all activities in the floodway, including grading, filling, and excavation, in which there is potential for erosion of exposed soil, soil erosion and sedimentation control measures shall be employed consistent with the following criteria:

1. The construction area shall be minimized to preserve the maximum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed, or disturbed more than 15 days prior to the initiation of improvements.

2. Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. As a minimum, soil stabilization shall be provided within 15 days after final grade is reached on any portion of the site, and within 15 days to denuded areas which may not be at final grade but will remain undisturbed for longer than 60 days.

3. Sedimentation control measures shall be installed before any significant grading or filling is initiated on the site to prevent the movement of eroded sediments off site or into the channel. Potential sediment control devices include filter fences, straw bale fences, check dams, diversion ditches, and sediment traps and basins.

4. A vegetated buffer strip of at least 25 feet in width shall be preserved and/or re-established, where possible, along existing channels (See § 15.16.060(C)). Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be restabilized immediately.

5. Soil erosion and sedimentation control measures shall be designed and implemented consistent with "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois" (1988) also known as the "Green Book" and "The Illinois Urban Manual" (NRCS, 1995).

(l) *Public flood control projects.* For public flood control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to IDNR/OWR through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.

(m) *General criteria for analysis of flood elevations.*

1. The flood profiles, flows and floodway data in the designated floodway study, must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, IDNR/OWR shall be contacted for approval and concurrence on the appropriate base conditions data to use.

2. If the 100-year designated floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet:

a. The requirements of this section for the 100-year frequency flood elevations of the designated floodway conditions; and

b. Conditions with the receiving stream at normal water elevations.

3. If the applicant learns from IDNR/OWR, local governments, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.

(n) *Conditional letter of map revision.*

1. If the appropriate use would result in a change in the designated floodway location or the 100-year frequency flood elevation, the applicant shall submit to IDNR/OWR and FEMA all information, calculations and documents necessary to be issued a conditional designated floodway map revision and receive from IDNR/OWR a conditional concurrence of the designated floodway change before a permit is issued.

2. The final designated floodway map will not be changed by FEMA until as-built plans or record drawings of initial filling, grading, dredging, or excavating activities are submitted and accepted by FEMA and IDNR/OWR.

3. In the case of non-government projects, the municipality in incorporated areas and the county in unincorporated areas shall concur with the proposed conditional designated floodway map revision before IDNR/OWR approval can be given.

4. No filling, grading, dredging, or excavating shall take place until a conditional approval is issued.

5. After initial filling, grading, dredging or excavating, no activities shall take place until a final Letter of Map Revision (LOMR) is issued by FEMA with concurrence from IDNR/OWR.

(o) *Professional engineer's supervision.* All engineering analyses shall be performed by or under the supervision of a licensed P.E.

(p) For all activities in the floodway involving construction within 25 feet of the channel, the following criteria shall be met:

1. A natural vegetation buffer strip shall be preserved within at least 25 feet of the ordinary high water mark of the channel.

2. Where it is impossible to protect this buffer strip during the construction of an appropriate use, a vegetated buffer strip shall be established upon completion of construction.

3. The use of native riparian vegetation is preferred in the buffer strip. Access through this buffer strip shall be provided, when necessary, for stream maintenance purposes.

(q) After receipt of conditional approval of the designated floodway change and issuance of a permit and a Conditional Letter of Map Revision, construction as necessary to change the floodway designation may proceed but no buildings or structures or other construction that is not an appropriate use may be placed in that area until the designated floodway map is changed and a final Letter of Map Revision is received. The designated floodway map will be revised upon acceptance and concurrence by IDNR/OWR and FEMA of the "as-built" plans.

(4) *Development activities in delegated communities requiring state review.* For those projects listed below located in a designated floodway, the following criteria shall be submitted to IDNR/OWR for their review and concurrence prior to the issuance of a permit by a community or county delegated state permitting authority in the floodway.

(a) An engineer's analysis of the flood profile due to a proposed bridge pursuant to § 15.16.060(C).

(b) An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, pursuant to § 15.16.060(C).

(c) Alternative transition sections and hydraulically equivalent storage pursuant to § 15.16.060(C).

(d) The construction of any IDNR/OWR projects, dams (as defined in § 15.16.020) and all other federal, state, or local units of government projects, including projects of the municipality or county.

(e) An engineer's determination that a proposed bridge affected by backwater from a downstream receiving stream may be built with a smaller opening.

1. Projects which revise or establish the floodway and/or flood profiles.

2. Projects in public bodies of water.

(5) *Other permits.*

(a) In addition to the other requirements of this chapter, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from IDNR/OWR, issued pursuant to 615 ILCS 5/5 et seq.

(b) No correspondence from IDNR/OWR shall be required if the project meets the requirements of Regional Permit 3.

(c) No permit from IDNR/OWR shall be required if IDNR/OWR has delegated this responsibility to the city.

(6) *Permits for dams.*

(a) Any work involving the construction, modification, or removal of a dam as defined in Section 300.16 per 17 Ill. Adm. Code Part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam.

(b) If the City Building Inspector finds a dam that does not have an IDNR/OWR permit, the City Building Inspector shall immediately notify the IDNR/OWR Bartlett office.

(c) If the City Building Inspector finds a dam which is believed to be in unsafe condition, the City Building Inspector shall immediately notify the owner of the dam, the IDNR/OWR Bartlett office, and the Illinois Emergency Management Agency (IEMA).

(7) *Activities that do not require a licensed professional engineer's review.* The following activities may be permitted without a licensed P.E.'s review. Such activities shall still meet the other requirements of this chapter, including the mitigation requirements.

(a) Regional Permit 3 which authorizes, for example, underground and overhead utilities, storm and sanitary sewer outfalls, sidewalks, patios, athletic fields, playground equipment, and streambank protection activities.
(Ord. 1798, passed 2-4-19)

§ 15.16.070 OCCUPATION AND USE OF FLOODPLAIN AREAS WHERE FLOODWAYS ARE NOT IDENTIFIED.

(A) In floodplains, (including AE, AH, AO, and Unnumbered A Zones) where no floodways have been identified and no base flood or 100-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or 100-year frequency flood elevation.

(B) *Development permit.*

(1) No person, firm, corporation, or governmental body, not exempted by state law, shall commence any development in a floodplain without first obtaining a development permit from the City Building Inspector.

(2) Application for a development permit shall be made on a form provided by the City Building Inspector.

(a) The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; and existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevations of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 15.16.080 of this chapter.

(b) The application for a development permit shall also include the following information:

1. A detailed description of the proposed activity, its purpose, and intended use;
2. Site location (including legal description) of the property, drawn to scale, on the designated floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;
3. Anticipated dates of initiation and completion of activity;
4. Plans of the proposed activity shall be provided which include as a minimum:
 - a. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;

b. A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations, using the NAVD 1988, adjacent property lines and ownership, drainage and flood control easements, distance between proposed activity and navigation channel (when the proposed construction is in or near a commercially navigable body of water), floodplain limit, location and orientation of cross-sections, north arrow, and a graphical or numerical scale;

c. Cross-section views of the project perpendicular to the flow of floodwater and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, ten-year frequency flood elevation, 100-year frequency flood elevation, and graphical or numerical scales (horizontal and vertical); and

d. A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

5. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the criteria of § 15.16.070.

6. Any and all other federal, state, and local permits or approvals that may be required for this type of development.

(3) Based on the best available existing data according to federal, state or other sources, the City Building Inspector shall compare the elevation of the site to the base flood or 100-year frequency flood elevation.

(a) Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to § 15.16.040(E).

(b) Any development located on land that can be shown to have been higher than the base flood elevation of the current Flood Insurance Rate Map Identification is not in the floodplain and, therefore, not subject to the requirements of this chapter.

(c) The City Building Inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

(d) The City Building Inspector shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or waivers that may be required for this type of activity. The City Building Inspector shall not issue the development permit unless all required federal, state, and local permits have been obtained.

(C) Preventing increased damages.

(1) No development in the floodplain, where a floodway has not been determined, shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety, and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel or impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter.

(2) Within all riverine floodplains where the floodway has not been determined, the following standards shall apply:

(a) The developer shall have a Licensed P.E. state in writing and show through supporting plans, calculations, and data that the project meets the engineering requirements of § 15.16.060(C) for the entire floodplain as calculated under the provisions of § 15.16.040(E) of this chapter.

(b) As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to IDNR/OWR and FEMA for acceptance as a designated floodway.

(c) Upon acceptance of the floodway by IDNR/OWR and FEMA, the developer shall then demonstrate that the project meets the requirements of § 15.16.060 for the designated floodway. The floodway shall be defined according to the definition in § 15.16.020 of this chapter.

(d) A development permit shall not be issued unless the applicant first obtains a IDNR/OWR permit or a determination has been made that an IDNR/OWR permit is not required.

(e) *Permits for dams.*

1. Any work involving the construction, modification or removal of a dam as defined in § 15.16.020 per 17 Ill. Adm. Code Part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam.

2. If the City Building Inspector finds a dam that does not have an IDNR/OWR permit, the City Building Inspector shall immediately notify the IDNR/OWR Bartlett office.

3. If the City Building Inspector finds a dam which is believed to be in unsafe condition, the City Building Inspector shall immediately notify the owner of the dam, the IDNR/OWR Bartlett office, and the Illinois Emergency Management Agency (IEMA).

(3) The following activities may be permitted without a Licensed P.E.'s review or calculation of base flood elevation and designated floodway. Such activities shall still meet the other requirements of this chapter.

(a) Bridge and culvert crossings of streams in rural areas meeting conditions of IDNR/OWR Statewide Permit number 2;

(b) Barge fleeting facilities meeting conditions of IDNR/OWR Statewide Permit No. 3;

(c) Aerial utility crossings meeting conditions of IDNR/OWR Statewide Permit No. 4;

(d) Minor boat docks meeting conditions of IDNR/OWR Statewide Permit No. 5;

(e) Minor, non-obstructive activities meeting conditions of IDNR/OWR Statewide Permit No. 6;

(f) Outfall structures and drainage ditch outlets meeting conditions of IDNR/OWR Statewide Permit No. 7;

(g) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;

(h) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;

(i) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;

(j) Minor maintenance dredging activities meeting conditions of DNR/OWR Statewide Permit No. 11;

(k) Bridge and culvert replacement structures and bridge widenings meeting conditions of IDNR/OWR Statewide Permit No. 12;

(l) Temporary construction activities meeting conditions of IDNR/OWR Statewide Permit No. 13;

(m) Special uses of public waters meeting conditions of IDNR/OWR Statewide Permit No. 14; and

(n) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permit requirements.

(4) The flood carrying capacity of any altered or relocated watercourse shall be maintained.

(5) *Compensatory storage.*

(a) Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation.

(b) The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure.

(c) In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied.

(d) All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed ten-year flood elevation. All floodplain storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

(Ord. 1798, passed 2-4-19)

§ 15.16.080 PERMITTING REQUIREMENTS APPLICABLE TO ALL FLOODPLAIN AREAS.

(A) (1) In addition to the requirements found in §§ 15.16.050, 15.16.060 and 15.16.070 for development in flood fringes, designated floodways, and floodplains where no floodways have been identified, the following requirements shall be met.

(2) In addition to the requirements found in this chapter, all properties shall comply with the Will County Stormwater Management Ordinance (latest version).

(B) *Public health and other standards.*

(1) No developments in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation (FPE) unless such materials are stored in a floodproofed and anchored storage tank and certified by a P.E. or floodproofed building constructed according to the requirements of § 15.16.080 of this chapter.

(2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

(3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(4) New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are watertight.

(5) All other activities, defined as development, such as pools, fences, filling, paving, etc., shall be designed so as not to alter flood flows or increase potential flood damages.

(C) *Carrying capacity and notification.*

(1) For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

(2) In addition, the city shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.

(D) *Protecting buildings.*

(1) In addition to the damage prevention requirements in §§ 15.16.050(B) and 15.16.060(C) of this chapter, all buildings located within a floodplain, shall be protected from flood damage below the flood protection elevation. This building protection criteria applies to the following situations:

(a) Construction or placement of a new building or alteration or addition to an existing building valued at more than \$1,000 or 70 square feet.

(b) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than 20% or equal or exceed the market value by 50%. Alteration shall be figured cumulatively during the life of the building. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

(c) *Repairs made to a substantially damaged building.* These repairs shall be figured cumulatively during the life of the building. If substantially damaged the entire structure must meet the flood protection standards of this section.

(d) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).

(e) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year; and

(f) Repetitive loss to an existing building as defined in § 15.16.020.

(2) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

(a) The building may be constructed on permanent land fill in accordance with the following:

1. The lowest floor (including basement) shall be at or above the flood protection elevation.

2. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation.

3. The top of the fill shall be above the flood protection elevation. However, the ten foot minimum may be waived if a structural engineer certifies an alternative method to protect the building from damages due to hydrostatic pressures.

4. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.

5. The fill shall be composed of rock or soil and not include debris or refuse material.

6. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and, when necessary, include stormwater management techniques such as swales or basins.

(b) The building may be elevated in accordance with the following:

1. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.

2. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one permanent opening on each wall no more than one foot above grade with a minimum of two openings. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation; and

3. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

4. The foundation and supporting members shall be anchored, aligned, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.

5. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.

6. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.

7. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

8. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

(c) The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met;

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade.

3. The interior grade of the crawlspace below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade.

4. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four feet at any point.

5. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.

6. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.

7. Utility systems within the crawlspace must be elevated above the flood protection elevation.

(3) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect submits a FEMA Floodproofing Certificate, documenting that:

(a) Below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood, including sewer back flow.

(b) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.

(c) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

(d) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

(4) Manufactured homes or travel trailers to be permanently installed on site for more than 180 days in any year shall be:

(a) Elevated to or above the flood protection elevation.

(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 77 Ill. Adm. Code § 870.

(5) Travel trailers and recreational vehicles on site for more than 180 days per year shall meet the elevation requirement and anchoring requirements of § 15.16.080(D) unless the following conditions are met:

(a) The vehicle must be either self-propelled or towable by a light duty truck.

(b) The hitch must remain on the vehicle at all times.

(c) The vehicle must not be attached to external structures such as decks and porches.

(d) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.

- (e) The vehicles largest horizontal projections must be no larger than 400 square feet.
- (f) The vehicle's wheels must remain on axles and inflated.
- (g) Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain.
- (h) Propane tanks and electrical and sewage connections must be quick-disconnect and be above the base flood elevation.
- (i) The vehicle must be licensed and titled as a recreational vehicle or park model, and must either be entirely be supported by jacks, or have a hitch jack permanently mounted, have the tires touching the ground and supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.

(6) Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be constructed with the lowest floor below the flood protection elevation provided the following conditions are met:

- (a) The structure must be non-habitable.
- (b) All areas below the base flood or 100-year frequency flood elevation shall be constructed with waterproof material.
- (c) The structure must be used only for the storage of vehicles and tools and cannot be modified later into another use.
- (d) The structure must be located outside of the floodway or have the appropriate state and/or federal permits.
- (e) Below the base flood elevation, the structure must be built of materials not susceptible to flood damage.
- (f) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
- (g) The structure must have at least one permanent opening on each wall not more than one foot above grade with one square inch of opening for every one square foot of floor area.
- (h) The structure must be less than \$15,000 in market value or replacement cost whichever is greater or less than 576 square feet (24' x 24').
- (i) The structure shall be anchored to resist floatation and overturning.
- (j) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
- (k) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.
- (l) If located in a designated floodway, the structure shall be constructed and placed on a building site so as not to block flood flows nor reduce floodway storage (§ 15.16.070(C)) and shall also meet the appropriate use criteria of § 15.16.070 and all other applicable requirements of §§ 15.16.060, 15.16.070 and 15.16.080.

(7) Existing buildings located within a designated floodway shall also meet the more restrictive Appropriate Use standards included in Section 15.16.800. Nonconforming structures located in a designated floodway may remain in use and may only be enlarged, replaced or structurally altered in accordance with § 15.16.070(C). A non-conforming structure damaged by flood, fire, wind or other natural or man-made disaster may be restored unless the damage exceeds 50% of its market value before it was damaged, in which case it shall conform to this chapter.

(8) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

(Ord. 1798, passed 2-4-19)

§ 15.16.090 SUBDIVISION REQUIREMENTS.

The City Council shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, and Planned Unit Developments (PUDs) within the floodplain shall be reviewed to assure that the proposed developments are consistent with §§ 15.16.050, 15.16.060, 15.16.070, and 15.16.080 of this chapter and the need to minimize flood damage. Plats or plans for new subdivisions, mobile home parks and Planned Unit Developments (PUDs) shall include a signed statement by a Licensed P.E. that the plat or plans account for changes in the drainage of surface waters in accordance with the Plat Act (ILCS Ch. 765, Act 205, § 2).

(B) Proposals for new subdivisions, manufactured home parks, travel trailer parks, planned unit developments (PUDs) and additions to manufactured home parks and additions to subdivisions shall include base flood elevation data and floodway delineations. Where this information is not available from an existing adopted study, the applicant's engineer shall be responsible for calculating the base flood elevation per § 15.16.040(E) and the floodway delineation per the definition in § 15.16.020.

(C) Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the floodplains shall be included within parks or other public grounds.

(D) The City Council shall not approve any Planned Unit Development (PUD) or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this chapter.

(Ord. 1798, passed 2-4-19)

§ 15.16.100 VARIANCES.

(A) No variances shall be granted to any development located in a designated floodway as defined in § 15.16.020.

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

(C) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

- (1) The development activity cannot be located outside the floodplain.
- (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, safety, beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance; and
- (5) There will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing, or repairs to streambeds and banks, roads, utilities, or other public facilities; and
- (6) The provisions of § 15.16.050(B) and § 15.16.070(B) of this chapter shall still be met; and
- (7) The activity is not in a designated floodway; and
- (8) The applicant's circumstances are unique, do not represent a general problem, and do not establish a pattern inconsistent with the intent of the NFIP; and
- (9) The granting of the variance will not alter the essential character of the area.
- (10) All other required state and federal permits or waivers have been obtained.

(D) The City Building Inspector shall notify an applicant in writing that a variance from the requirements of § 15.16.080 that 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 per \$100 of insurance coverage; and
 - (2) Increase the risks to life and property; and
 - (3) Require that the applicant proceed with knowledge of these risks and that the applicant will acknowledge in writing the assumption of the risk and liability.
 - (4) Variances requested in connection with restoration of a historic site or historic structure as defined in § 15.16.020 "Historic Structures", may be granted using criteria more permissive than the requirements of § 15.16.100, subject to the conditions that:
 - (a) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and
 - (b) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.
- (Ord. 1798, passed 2-4-19)

§ 15.16.110 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 man-made or natural causes. This chapter does not imply that development, either inside or outside of the floodplain, will be free from flooding or damage. This chapter does not create liability on the part of the city or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

(Ord. 1798, passed 2-4-19)

§15.16.120 PENALTY.

(A) Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this chapter. Upon due investigation, the city may determine that a violation of the minimum standards of this chapter exists. The City Building Inspector shall notify the owner in writing of such violation.

(B) If such owner fails after ten days notice to correct the violation:

(1) The City Building Inspector may make application to the Circuit Court for an injunction requiring conformance with this chapter or make such 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 \$300 or more than \$750 for each offense.

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

(4) The City Building Inspector may record a notice of violation on the title to the property.

(C) The City Building Inspector may 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.

(1) The City Building Inspector is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, shall indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

(2) No site development permit shall be permanently suspended or revoked until a hearing is held by the City Council. Written notice of such hearing shall be served on the permittee and shall state: (1) the grounds for complaint or reasons for suspension or revocation; and (2) the time and place of the hearing. At such hearing, the permittee shall be given an opportunity to present evidence on his/her behalf. At the conclusion of the hearing, the City Council shall determine whether the permit shall be suspended or revoked.

(3) Nothing herein shall prevent the City Building Inspector from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(Ord. 1798, passed 2-4-19)

§ 15.16.130 ABROGATION AND GREATER RESTRICTIONS.

(A) This chapter repeals and replaces other ordinances and codes adopted by the City of Crest Hill to fulfill the requirements of the National Flood Insurance Program including: Ordinance No. 480.

(B) However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this chapter repeal, abrogate, or impair any existing annexation agreements, easements, covenants, or deed restrictions. Where this chapter and other chapters, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 1798, passed 2-4-19)

CHAPTER 15.20: STORMWATER DRAINAGE AND DETENTION

Section

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§ 15.20.010 AUTHORITY AND PURPOSE.

(A) The ordinance codified in this chapter is enacted pursuant to the police powers granted to the city by ILCS Ch. 65, Act 5, § 11-111-1 et seq.

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

(C) The ordinance codified in this chapter is adopted to accomplish the following objectives:

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

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

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

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

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

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

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

(78 Code, § 15.20.020) (Ord. 853, passed - -92)

§ 15.20.020 DEFINITIONS.

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

ADVERSE IMPACTS. Any deleterious impact on water resources or wetlands affecting their beneficial uses, including recreation, aesthetics, aquatic habitat, quality and quantity.

APPLICANT. Any person, firm or governmental agency who executes the necessary forms to procure official approval of a development or permit to carry out construction of a development from the city.

BASE FLOOD ELEVATION. The elevation at all locations delineating the level of flooding resulting from the 100-year frequency flood event.

BYPASS FLOWS. Stormwater runoff from upstream properties tributary to a property's drainage system but not under its control.

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

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

COMPENSATORY STORAGE. An artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when fill or structures are placed within the floodplain.

CONDUIT. Any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

DETENTION BASIN. A facility constructed or modified to provide for the temporary storage of stormwater runoff and the controlled release by gravity of this runoff at a prescribed rate during and after a flood or storm.

DETENTION TIME. The mean residence time of stormwater in a detention basin.

DEVELOPMENT. Any manmade change to real estate including:

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

DRAINAGE PLAN. A plan, including engineering drawings and support calculations, which describes the existing stormwater drainage system and environmental features, as well as the drainage system and environmental features which are proposed after development of a property.

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

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

EXCESS STORMWATER RUNOFF. The volume and rate of flow of stormwater discharged from an urbanized drainage area which is or will be in excess of that volume and rate which pertained before urbanization.

FLOOD FRINGE. That portion of the floodplain outside of the regulatory floodway.

FLOODPLAIN. That land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. The floodplain is also known as the special flood hazard area (SFHA).

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

HYDROGRAPH. A graph showing for a given location on a stream or conduit, the flow rate with respect to time.

INFILTRATION. The passage or movement of water into the soil surfaces.

MAJOR DRAINAGE SYSTEM. That portion of a drainage system needed to store and convey flows beyond the capacity of the minor drainage system.

MINOR DRAINAGE SYSTEM. That portion of a drainage system designed for the convenience of the public. It consists of street gutters, storm sewers, small open channels, and swales and, where manmade, is usually designed to handle the ten-year runoff event or less.

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

NATURAL. Conditions resulting from physical, chemical and biological processes without intervention by man.

ONE-HUNDRED-YEAR (100-YEAR) EVENT. A rainfall, runoff or flood event having a 1% chance of occurring in any given year.

PEAK FLOW. The maximum rate of flow of water at a given point in a channel or conduit.

POSITIVE DRAINAGE. Provisions for overland paths for all areas of a property, including depressional areas that may also be drained by storm sewer.

PROPERTY. A parcel of real estate.

REGULATORY FLOODWAY. The channel, including on stream lakes, and that portion of the floodplain adjacent to a stream or watercourse as designated by DWR, which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no more than a 0.1-foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10% increase in velocities. The regulatory floodways are designated for Des Plaines River, Tributary A Des Plaines River, Rockrun Creek, St. Francis Academy Creek, St. Anne School Tributary on the flood boundary and floodway map prepared by FEMA (or department of housing and urban development) and dated April 3, 1984. The regulatory floodways for those parts of unincorporated Will County that are within the extraterritorial jurisdiction of the city that may be annexed into the city are designated for Des Plaines River, Mink Creek, Sunnyland Drain, and Sunny Drain Tributary, the flood boundary and floodway map prepared by FEMA (or department of housing and urban development) and dated April 15, 1982.

To locate the regulatory floodway boundary on any site, the regulatory floodway boundary should be scaled off the regulatory floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, the division should be contacted for the interpretation.

RETENTION BASIN. A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

SEDIMENTATION. The process that deposits soils, debris and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

STORMWATER DRAINAGE SYSTEM. All means, natural or manmade, used for conducting stormwater to, through or from a drainage area to the point of final outlet from a property. The stormwater drainage system includes but is not limited to any of the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, on basins, swales and pumping stations.

STORM SEWER. A closed conduit for conveying collected stormwater.

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

TIME OF CONCENTRATION. The elapsed time for stormwater to flow from the most hydraulically remote point in a drainage basin to a particular point of interest in that watershed.

TRIBUTARY WATERSHED. All of the land surface area that contributes runoff to a given point.

TWO-YEAR EVENT. A runoff, rainfall or flood event having a 50% chance of occurring in any given year.

WET BASIN. A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.
(78 Code, § 15.20.020) (Ord. 853, passed - -92)

§ 15.20.030 STORMWATER DETENTION REQUIRED WHEN.

A combination of detention storage and controlled release of stormwater runoff shall be required for the following:

(A) All new construction of nonresidential developments of two acres or more;

(B) All residential developments of five acres or more;

(C) All new construction and parking area improvements which have and will have impervious areas of 50% or greater.

(1) In the situation where improvements will be made to facilities existing prior to the date of the ordinance codified in this chapter, the percent of imperviousness will be based upon the entire parcel. If this percentage is 50% or greater, this detention will be required but only on the portion of the parcel being improved.

(2) In the situation where improvements will be made to facilities constructed after the date of the ordinance codified in this chapter, where detention was not required, the percent of imperviousness will be based upon the entire parcel. If this percentage is 50% or greater, this detention will be required for the entire parcel.

('78 Code, § 15.20.030) (Ord. 853, passed - -92)

§ 15.20.040 DRAINAGE PLAN SUBMITTAL REQUIREMENTS.

(A) Each applicant shall submit the following information, depending on a development size, to ensure that the provisions of this chapter are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts of the development on water resources, both on-site and downstream, and the effectiveness of the proposed drainage plan managing stormwater runoff. The applicant shall certify on the drawings that all clearing, grading, drainage and construction will be accomplished in strict conformance with the drainage plan. The following information shall be submitted for both existing and proposed property conditions. All information and data required and submitted shall be prepared by and bear the seal of a registered Illinois professional engineer.

(B) Properties smaller than ten acres shall submit only the basin drainage plan called for in § 15.20.050. Properties larger than ten acres shall comply with the submittal requirements of both the basin drainage plan and the advanced drainage plan of § 15.20.060 of this chapter.

('78 Code, § 15.20.040) (Ord. 853, passed - -92)

§ 15.20.050 BASIN DRAINAGE PLAN; DEFINITIONS.

As used in this chapter:

DRAINAGE SYSTEM. The mapping and descriptions, where relevant, of existing and proposed drainage system features of the property and immediate vicinity including:

- (1) The banks and centerlines of streams and channels;
- (2) Shorelines of lakes, ponds, and detention basins;
- (3) Farm drains and tiles;
- (4) Subwatershed boundaries within the property;
- (5) Watershed soils classifications;
- (6) The property's location within the larger watershed;
- (7) Location, size and slope of stormwater conduits and drainage swales;

- (8) Sanitary sewers;
- (9) Depressional storage areas;
- (10) Delineation of upstream and downstream drainage features and watersheds which might be affected by the development;
- (11) Detention facilities;
- (12) Roads and streets and associated stormwater inlets;
- (13) Base flood elevation, and regulatory floodways where identified for the property; and
- (14) Basis of design for the final drainage network components.

ENVIRONMENTAL FEATURES. A depiction of environmental features of the property and immediate vicinity including the following:

- (1) The limits of wetland areas;
- (2) Any designated natural areas; and
- (3) Any proposed environmental mitigation features.

TOPOGRAPHIC MAP. A topographic survey of the property at one-foot contours under existing and proposed conditions, and areas upstream and downstream, necessary to determine off-site impacts of the proposed drainage plan. The map shall be keyed to a consistent datum specified by the city. ('78 Code, § 15.20.050) (Ord. 853, passed - -92)

§ 15.20.060 ADVANCED DRAINAGE PLAN.

The same information as required in § 15.20.050 is required for properties larger than ten acres, along with the following additional information of the minor drainage system's design runoff event and the 100-year runoff event of critical duration:

- (A) Elevations and maps of 100-year flooding;
 - (B) Cross-section data for open channel flow paths and designated overland flow paths;
 - (C) Direction of stormflows;
 - (D) Flow rates and velocities at representative points in the drainage system; and
 - (E) A statement by the design engineer of the drainage system's provisions for handling events greater than 100-year runoff.
- ('78 Code, § 15.20.060) (Ord. 853, passed - -92)

§ 15.20.070 MINIMIZATION OF INCREASES IN RUNOFF VOLUMES AND RATES.

In the selection of a drainage plan for a development, the applicant shall evaluate and implement, where practicable, site design features which minimize the increase in runoff volumes and rates from the site. The applicant's drainage plan submittal shall include evaluations of site design features which are consistent with the following hierarchy:

(A) Minimize impervious surfaces on the property, consistent with the needs of the project;

(B) Attenuate flows by use of open vegetated swales and natural depressions, and preserve existing natural stream channels;

(C) Infiltrate runoff on-site;

(D) Provide stormwater retention structures;

(E) Provide stormwater detention structures; and

(F) Construct storm sewers.

('78 Code, § 15.20.070) (Ord. 853, passed - -92)

§ 15.20.080 WATER QUALITY AND MULTIPLE USES.

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

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

('78 Code, § 15.20.080) (Ord. 853, passed - -92)

§ 15.20.090 DESIGN CRITERIA, STANDARDS AND METHODS.

(A) In the event the downstream sewers, streams, and channels are inadequate to receive the release rate provided in this section, then the allowable release rate shall be reduced to that rate permitted by the receiving downstream sewers, streams and channels and additional detention (as determined by the city engineer) shall be required to store that portion of the runoff exceeding the capacity of the receiving sewers, streams and channels.

(B) *Release rates.*

(1) The drainage system for a property shall be designed to control the peak rate of discharge from the property for the two-year, 24-hour and 100-year, 24-hour event to levels which will not cause an increase in flooding or channel instability downstream when considered in aggregate with other

developed properties and downstream drainage capacities. The peak discharge from events less than or equal to the two-year event shall not be greater than 0.04 cfs per acre of property drained. The peak 100-year discharge shall not be greater than 0.15 cfs per acres of property drained.

(2) Backwater on the outlet structure from the downstream drainage system shall be evaluated when designing the outlet.

(C) *Detention storage requirements.* The design maximum storage to be provided in a detention basin shall be based on the runoff from the 100-year, 24-hour event and reservoir (also called “modified pulse” or “level pool”) routing or equal. Detention storage shall be computed using hydrograph methods as described in this section.

(D) *Drainage system design and evaluation.* The following criteria should be used in evaluating and designing the drainage system. The underlying objective is to provide capacity to pass the ten-year peak flow in the minor drainage system and an overload flow path for flows in excess of the design capacity.

(1) Major and minor conveyance systems for areas up to ten acres may be designed using the rational formula. The rational formula may also be used in sizing the minor drainage system for larger sites. Runoff hydrograph methods as described in division (E) of this section must be used for major drainage system design for all systems with greater than ten acres of drainage area and for the design of all detention basins except for those detention basins required under § 15.20.030(C) where less than two acres for nonresidential and less than five acres for residential development.

(2) Whenever practicable, all areas of the property must be provided an overland flow path that will pass the 100-year flow at a stage at least one foot below the lowest foundation grade in the vicinity of the flow path. Overland flow paths designed to handle flows in excess of the minor drainage system capacity shall be provided drainage easements. Street ponding and flow depths shall not exceed curb heights by more than one inch.

(E) *Methods for generating runoff hydrographs.* Runoff hydrographs shall be developed incorporating the following assumptions of rainfall amounts and antecedent moisture.

(1) Unless a continuous simulation approach to drainage system hydrology is used, all design rainfall events shall be based on the Illinois State Water Survey's Bulletin 70. The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations less than or equal to 12 hours. The third quartile point rainfall distribution shall be used for the design and analysis of detention basins and conveyance system with critical durations greater than 12 and less than or equal to 24 hours. The fourth quartile distribution shall be used in the design and analysis of systems with durations greater than 24 hours. The first, third and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 70. The SCS Type II distribution may be used as an alternate to the Huff distributions.

(2) Computations of runoff hydrographs which do not rely on a continuous accounting of antecedent moisture conditions shall assume a minimum wet antecedent moisture condition of two.

(F) *Wet detention basin design.* Wet detention basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing, and as much as feasible to be available for recreational use.

(1) Wet basins shall be at least three feet deep, excluding near-shore banks and safety ledges. If a fish habitat is to be provided they shall be at least ten feet deep over 25% of the bottom area to prevent winter freeze out.

(2) The side slopes of wet basins at the normal pool elevation shall not be steeper than five to one, horizontal to vertical.

(3) The permanent pool volume in a wet basin at normal depth shall be equal to the runoff volume from its watershed for the two-year event.

(4) To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, they should be at opposite ends of the basin.

(G) *Dry detention basin design.* In addition to the other requirements of this chapter, dry basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing and, as much as feasible, to be available for multiple uses.

(1) Dry basins shall be designed so that 80% of their bottom area shall have standing water no longer than 72 hours for any runoff event less than the 100-year event. Underdrains directed to the outlet control shall be used if necessary to accomplish this requirement.

(2) Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize the resuspension of pollutants.

(3) To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, they should be at opposite ends of the basin.
(78 Code, § 15.20.090) (Ord. 853, passed - -92)

§ 15.20.100 EARLY COMPLETION OF DETENTION FACILITIES.

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

(78 Code, § 15.20.100) (Ord. 853, passed - -92)

§ 15.20.110 FLOODPLAINS, FLOOD FRINGE AND ON-STREAM AREA DETENTION; REQUIREMENTS.

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

(A) *Detention in flood fringe areas.* The placement of a detention basin in a flood fringe area shall require compensatory storage for 1.5 times the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be controlled consistent with the requirements of this section. The applicant shall demonstrate its operation for all streamflow and floodplain backwater conditions. Excavations for compensatory storage along

watercourses shall be opposite or adjacent to the area occupied by detention. All floodplain storage lost below the ten-year flood elevation shall be replaced below the ten-year flood elevation. All floodplain storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse.

(B) *Detention in floodways.* Detention basins shall be placed in the floodway only in accordance with division (C) of this section.

(C) *On-stream detention.* On-stream detention basins are discouraged but allowable if they provide regional public benefits and if they meet the other provisions of this chapter with respect to water quality and control of the two-year and 100-year, 24-hour events from the property. Further criteria are presented in § 5.20.165 of this chapter. If on-stream detention is used for watersheds larger than one square mile, it is recommended that the applicant use dynamic modeling to demonstrate that the design will not increase stage for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:

- (1) Shall not prevent the mitigation of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
- (2) Shall not cause or contribute to the degradation of water quality or stream aquatic habitat;
- (3) Shall include a design calling for gradual bank slopes, appropriate bank stabilization measures, and a presedimentation basin;
- (4) Shall not involve any stream channelization or the filling of wetlands;
- (5) Shall require the implementation of an effective non-point-source management program throughout the upstream watershed;
- (6) Shall not occur downstream of a wastewater discharge; and
- (7) Shall comply with 92 Illinois Administrative Code Parts 702 and 708 and the floodplain ordinance of the city.
(78 Code, § 15.20.110) (Ord. 853, passed - -92)

§ 15.20.120 WETLAND AREAS; DRAINAGE AND SEDIMENT CONTROL PROVISIONS.

Wetlands shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this chapter, the following requirements shall be met for all developments whose drainage flows into wetlands:

(A) *Detention in wetlands.* Existing wetlands shall not be modified for the purposes of stormwater detention unless it is demonstrated that the existing wet land is low in quality and the proposed modifications will maintain or improve its habitat and ability to perform beneficial functions. Existing depressional storage in wetlands shall be maintained and the volume of detention storage provided to meet the requirements of this section shall be in addition to this existing storage.

(B) *Sediment control.* The existing wetland shall be protected during construction by appropriate soil erosion and sediment control measures and shall not be filled.

(C) *Alteration of drainage patterns.* Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to the wetland.

(D) *Detention/sedimentation.* All runoff from the development shall be routed through a preliminary detention/sedimentation basin designed to capture the two-year, 24-hour event and hold it for at least 24 hours, before being discharged to the wetland. The basin shall be constructed before property grading begins. In addition, the drainage hierarchy defined in § 15.20.070 should be followed to minimize runoff volumes and rates being discharged to the wetland.

(E) *Vegetated buffer strip.* A buffer strip of at least 25 feet in width, preferably vegetated with native plant species, shall be maintained or restored around the periphery of the wetland.
(78 Code, § 15.20.120) (Ord. 853, passed - -92)

§ 15.20.130 STREETS AND OTHER PUBLIC WAYS AS DRAINAGE FACILITIES.

(A) *Streets.* If streets are to be used as part of the minor or major drainage system, ponding depths shall not exceed curb heights by more than one inch and shall not remain flooded for more than eight hours for any event less than or equal to the 100-year event.

(B) *Parking lots.* The maximum stormwater ponding depth in any parking area shall not exceed six inches for more than four hours.

(C) *Culvert road and driveway crossings.* Sizing of culvert crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert.
(78 Code, § 15.20.130) (Ord. 853, passed - -92)

§ 15.20.140 INFILTRATION BASINS, TRENCHES AND OTHER FACILITIES.

To effectively reduce runoff volumes, infiltration practices, including basins, trenches and porous pavement, should be located on soils in hydrologic soil groups A or B as designated by the U.S. Soil Conservation Service. Infiltration basins and trenches designed to recharge groundwater shall not be located within 75 feet of a water supply well or a building foundation. A sediment settling basin shall be provided to remove coarse sediment from stormwater flows before they reach infiltration basins or trenches. Stormwater shall not be allowed to stand more than 72 hours over 80% of a dry basin's bottom area for the maximum design event to be exfiltrated. The bottom of infiltration facilities shall be a minimum of four feet above seasonably high groundwater and bedrock.
(78 Code, § 15.20.140) (Ord. 853, passed - -92)

§ 15.20.150 SAFETY CONSIDERATIONS FOR DRAINAGE SYSTEMS.

The drainage system components, especially all detention basins, shall be designed to protect the safety of any children or adults coming in contact with the system during runoff events.

(A) *Side slopes.* The side slopes of all detention basins at 100-year capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Side slopes of detention basins and open channels shall not be steeper than three to one (3:1), horizontal to vertical.

(B) *Safety ledge.* All wet detention basins shall have a level safety ledge at least four feet in width and 2.5 to three feet below the normal water depth.

(C) *Velocity.* Velocities throughout the surface drainage system shall be controlled to safe levels taking into consideration rates and depths of flow.

(D) *Overflow structures.* All stormwater detention basins shall be provided with an overflow structure capable of safely passing excess flows at a stage at least one foot below the lowest foundation grade in the vicinity of the detention basin. The design flow rate of the overflow structure shall be equivalent to the 100-year inflow rate.

('78 Code, § 15.20.150) (Ord. 853, passed - -92)

§ 15.20.160 MAINTENANCE CONSIDERATIONS FOR DRAINAGE SYSTEMS.

The stormwater drainage system shall be designed to minimize and facilitate maintenance. Turfed sideslopes shall be designed to allow lawn-mowing equipment to easily negotiate them. Wet basins shall be provided with alternate outflows which can be used to completely drain the pool for sediment removal (pumping may be considered if drainage by gravity is not feasible). Presedimentation basins shall be included where feasible, for localizing sediment deposition and removal. Access for heavy equipment shall be provided.

('78 Code, § 15.20.160) (Ord. 853, passed - -92)

§ 15.20.165 USE OF BEST MANAGEMENT PRACTICES (BMP).

When directed by the City Council or its appointed representatives, including the City Engineer, best management practices may be required for a facility under this chapter. Best management practices' selection, type and applicability, including but not limited to sedimentation loading calculations and the use of oil/grease separators, shall be evaluated on a case-by-case basis as deemed necessary by the City or its appointed representative. Best management practices as approved by the Northeastern Illinois Planning Commission, "Urban Stormwater BMP for Northern Illinois," "Designing Stormwater BMP in Northeast Illinois" in addition to other sources shall be considered in the design of stormwater management systems.

(Ord. 1372, passed 10-17-05)

§ 15.20.170 MAINTENANCE RESPONSIBILITY FOR DETENTION FACILITIES.

The maintenance and operation of the detention facility will be done by the owners of the facility, and the city will assume maintenance and operation upon dedication of the facility to the city.

('78 Code, § 15.20.170) (Ord. 853, passed - -92)

§ 15.20.180 ADMINISTRATION AND INSPECTIONS.

(A) *Inspections during construction.*

(1) General site grading shall not begin until the city Building Commissioner has certified in writing to the applicant that any necessary detention facilities are in place and operational. The Building Commissioner or his representative will also conduct periodic inspections of the work in progress to be

certain that the drainage system is being built as designed. If any violations of the provisions or requirements of this chapter are noted during such inspections, the Building Commissioner shall notify the property owner in writing of the items needing correction. The property owner shall have ten calendar days to make such corrections unless given a specific extension of time in writing by the Building Commissioner.

(2) Failure to complete such corrections within the specified time period shall constitute a violation of this chapter.

(B) *Final inspection.* Upon notification by the applicant that the drainage system is completed, the Building Commissioner or his representative shall conduct a final inspection. If the drainage system is found to contain deficiencies which require correction, the Building Commissioner or his representative shall notify the property owner of the necessary corrections. The property owner shall correct such deficiencies within ten calendar days unless given a specific extension of time in writing by the Building Commissioner. Failure to make necessary corrections within the specified time period shall constitute a violation of this chapter. Upon finding that the drainage system meets the provisions and requirements of this chapter, the Building Commissioner shall issue in writing a notice of drainage system completion to the property owner.

(C) *Routine inspections.* All privately owned drainage systems shall be inspected by representatives of the city not less often than once per year. A written report shall be filed of the results of any inspection and a copy sent to the property owner detailing any problems which need correction.
(78 Code, § 15.20.180) (Ord. 853, passed - -92)

§ 15.20.190 ENFORCEMENT.

The administration and enforcement of this chapter shall be the responsibility of the Building Department for the city or its representatives.
(78 Code, § 15.20.190) (Ord. 853, passed - -92)

§ 15.20.200 APPEALS.

All appeals to the director of the Building Department's decisions regarding the interpretation of this chapter shall be heard by the City Council.
(78 Code, § 15.20.200) (Ord. 853, passed - -92)

§ 15.20.205 INCORPORATION OF COUNTY STORMWATER MANAGEMENT ORDINANCE.

(A) To the extent that the substantive requirements of Crest Hill Ordinances 853, 854, and 855 are more restrictive than the substantive provisions of the Will County Stormwater Management Ordinance, the said Crest Hill Ordinances shall continue to be enforced. Where the substantive requirements of the Will County Stormwater Management Ordinance are more restrictive than those requirements of Ordinances 853, 854, and 855, then the substantive provisions of the Will County Stormwater Ordinance are adopted and are incorporated by reference herein.

(B) With respect to administration, the Crest Hill Building Commissioner shall continue to be designated as the city's Enforcement Officer under Ordinance 853, Section 1200.0, Ordinance 854, Sections 506.0-602.2, and the City Zoning Ordinance as amended. The provisions of the Will County Stormwater Management Ordinance with respect to administration are specifically not adopted as part of the city's administration and enforcement procedures.

(C) The City Engineer, the City Building Commissioner, and the City Clerk shall maintain copies of the Will County Stormwater Management Ordinance for reference by city officials and by the general public.

(Ord. 1325, passed 8-2-04)

§ 15.20.210 VIOLATION; PENALTY.

Any person convicted of violating any of the provisions or requirements of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$1,000. Each day the violation continues shall be considered a separate offense.

(78 Code, § 15.20.210) (Ord. 853, passed - -92)

CHAPTER 15.21: IMPROPER CONNECTIONS TO THE SANITARY SEWER SYSTEM

Section

15.21.010	Authorization
15.21.020	Limits of participation
15.21.025	Construction requirements
15.21.030	Participation by the city not required
15.21.040	Reimbursement of costs

§ 15.21.010 AUTHORIZATION.

The city in the sole discretion of the corporate authorities, may participate with homeowners in the funding of the elimination and correction of improper storm water drainage connections to the city's sanitary sewer system present at residential homes within the city limits.
(Ord. 1009, passed 1-6-97)

§ 15.21.020 LIMITS OF PARTICIPATION.

(A) Applications for potential reimbursement must be made to the city five days in advance of any work being done, and homeowners must notify the city a minimum of two working day(s) prior to the commencement of work to allow the city to schedule inspections of the work. Upon meeting these requirements, and upon receipt of an executed agreement described in § 15.21.030, the city may participate by reimbursing owner 50% of the cost for the various eligible improvements that eliminate storm water connections from the sanitary sewer system in order to attempt to protect homes from basement backups. Eligible improvements are set forth as follows:

(1) Disconnection of improper discharges of storm water into the sanitary sewer system (i.e. downspouts, footing drains, separate storm water sump pumps, yard drains, window wells and other such devices);

(2) Installation of a separate storm water sump pump that collects discharges from foundation perimeter tiles, footing drains, window wells and other discharge areas;

(3) The installation of sanitary ejector pump (w/overhead sewer) if and only if such installation also includes all storm water disconnection described in divisions (1) and (2) above, and/or verification that no improper storm water connections exist on the property;

(4) Verification of storm water disconnections by means of closed circuit televising of sewer service lateral.

(B) Sanitary ejector pump installations that fail to eliminate storm water (i.e. footing drain) connections to the ejector pump and/or private sewer service lateral shall be deemed a private benefit only and be ineligible for reimbursement funding participation.

(C) The amount of said reimbursement shall not exceed a maximum limit of \$4,000 per residential home. Further, the city shall not participate in any reimbursements which would cause the city to exceed the funds appropriated for this purpose in the city's annual appropriation ordinance for each fiscal year. City participation and contributions under this permit for the improvements has been issued by the city on or after August 18, 2009.

(Ord. 1009, passed 1-6-97; Am. Ord. 1326, passed 8-2-04; Am. Ord. 1402, passed 5-15-06; Am. Ord. 1501, passed 8-17-09)

§ 15.21.025 CONSTRUCTION REQUIREMENTS.

All construction work will be performed in substantial compliance with the Illinois Plumbing Code (IAC Title 77, Ch. I, Sub. r, Part 890) and shall be subject to approval by the Building Department. (Ord. 1326, passed 8-2-04; Am. Ord. 1402, passed 5-15-06; Am. Ord. 1501, passed 8-17-09)

§ 15.21.030 PARTICIPATION BY THE CITY NOT REQUIRED.

All requests for city participation in the costs of removing an improper connection for the discharge of storm water drainage into the sanitary system shall be submitted by the homeowner to the city in advance of any work being performed through the Building Department. All homeowners desiring to participate shall enter into an agreement with the city regarding the reimbursement and the homeowners obligations on a form approved by the City Attorney. The city is under no obligation to accept every request for participation/reimbursement. All requests for city participation shall be made prior to the commencement of work. City participation shall be based upon the availability of funding appropriated for such purpose.

(Ord. 1009, passed 1-6-97; Am. Ord. 1501, passed 8-17-09)

§ 15.21.040 REIMBURSEMENT OF COSTS.

In all cases where the city agrees to participate with the homeowner in the repair and disconnection of an improper connection for the discharge of storm water drainage into the sanitary sewer system, and/or the installation of overhead sewage discharge lines subject to the conditions of § 15.21.020, the homeowner is required to pay in full the charges the homeowner incurs and present proof of their payment for the repairs made prior to the city reimbursing the homeowner for its share of the costs of the repair and disconnection. City permit fees shall not be eligible for reimbursement under the terms of this chapter or under the terms of any agreement drafted by the City Attorney.

(Ord. 1009, passed 1-6-97; Am. Ord. 1326, passed 8-2-04; Am. Ord. 1402, passed 5-15-06; Am. Ord. 1501, passed 8-17-09)

CHAPTER 15.24: SOIL EROSION AND SEDIMENT CONTROL

Section

15.24.010	Findings; purpose of provisions
15.24.020	Definitions
15.24.030	General principles
15.24.040	Site development permit; required when
15.24.050	Site development permit; application; contents
15.24.060	Site development permit; application; information required
15.24.070	Bonds
15.24.080	Review and approval
15.24.090	Expiration of permit
15.24.100	Appeals
15.24.110	Site development plans; filed where
15.24.120	Design and operation; standards and specifications
15.24.130	Erosion and sediment control requirements
15.24.140	Handbooks adopted by reference
15.24.150	Maintenance of control measures
15.24.160	Inspection
15.24.170	Additional precautions; unusual site conditions
15.24.180	Amendment of plans; field modifications
15.24.190	Exceptions; authorized when
15.24.200	Revocation of permit
15.24.210	Violations and penalties

§ 15.24.010 FINDINGS; PURPOSE OF PROVISIONS.

(A) *Findings.* The City Council of the city hereby finds that:

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

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

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

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

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

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

(B) *Purpose.* The City Council therefore declares that the purpose of this chapter is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated in the city. It is the intention of this chapter that the delivery of sediment from sites affected by land-disturbing activities be limited, as closely as practicable, to that which would have occurred if the land had been left in its natural undisturbed state.
(78 Code, § 15.24.010) (Ord. 854, passed - -92)

§ 15.24.020 DEFINITIONS.

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

BUILDING PERMIT. A permit issued by the city for the construction, erection or alteration of a structure or building.

CERTIFY or CERTIFICATION. Formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this chapter.

CLEARING. Any activity which removes vegetative ground cover.

CUBIC YARDS. The amount of material in excavation and/or fill measured by the method of ***AVERAGE AND AREAS.***

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

EXISTING GRADE. The vertical locating of the existing ground surface prior to excavation or filling.

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

FINAL GRADE. The vertical locating of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

GRADING. Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

NATURAL DRAINAGE. Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

PARCEL. All contiguous land in one ownership.

PERMITTEE. Any person to whom a site development permit is issued.

PERSON. Any individual, firm or corporation, public or private, the state of Illinois and its agencies or political subdivisions, and the United States, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

REMOVAL. Cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

SITE. A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT. Altering terrain and/or vegetation and constructing improvements.

SITE DEVELOPMENT PERMIT. A permit issued by the city for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

STREAM. Any river, creek, brook, branch, flowage, ravine, or natural or manmade drainageway which has a definite bed and banks or shoreline, in or into which surface water or ground water flows, either perennially or intermittently.

STRIPPING. Any activity which removes the vegetative surface cover, including tree removal, clearing, and storage or removal of top soil.

VACANT. Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

VILLAGE. The city of Crest Hill, Will County, Illinois.

WETLANDS. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
(78 Code, § 15.24.020) (Ord. 854, passed - -92)

§ 15.24.030 GENERAL PRINCIPLES.

It is the objective of this chapter to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating and filling of land, in the city. Measures taken to control soil erosion and off-site sediment runoff should be adequate to assure that sediment is not transported from the site by a storm event of ten-year frequency or less. The following principles shall apply to all development activities within the city and to the preparation of the submissions required under § 15.24.040 of this chapter: Illinois Procedure and Standards for Urban Soil Erosion and Sedimentation Control, and standards and Specifications for Soil Erosion and Sedimentation Control.

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

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

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

(D) The smallest practical area of land should be exposed for the shortest practical time during development.

(E) Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or runoff control measures should be installed prior to site clearing and grading and maintained to remove sediment from runoff waters from land undergoing development.

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

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

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

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

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

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

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

('78 Code, § 15.24.030) (Ord. 854, passed - -92)

§ 15.24.040 SITE DEVELOPMENT PERMIT; REQUIRED WHEN.

(A) *Permit required.* Except as otherwise provided in this chapter, no person shall commence or perform any clearing, grading, stripping, excavating or filling of land which meets the following provisions, without having first obtained a site development permit from the Building Department of the city.

(1) Any land disturbing activity (such as, clearing, grading, stripping, excavation, fill, or any combination thereof) that will affect an area in excess of 5,000 square feet;

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

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

(B) *Exceptions.* A permit shall not be required for any of the following, provided that the person responsible for any such development shall implement necessary soil erosion and sediment control measures to satisfy the principles set forth in § 15.24.030:

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

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

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

('78 Code, § 15.24.040) (Ord. 854, passed - -92)

§ 15.24.050 SITE DEVELOPMENT PERMIT; APPLICATION; CONTENTS.

An application for a site development permit shall be made by the owner of the property or his authorized agent to the Building Department on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee of \$50. Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

('78 Code, § 15.24.050) (Ord. 854, passed - -92)

§ 15.24.060 SITE DEVELOPMENT PERMIT; APPLICATION; INFORMATION REQUIRED.

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

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

(2) A development plan of the site showing:

(a) Existing topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than two-foot contour intervals and clearly portraying the conformation and drainage pattern of the area;

(b) The location of existing buildings, structures, utilities, streams, lakes, floodplains, wetlands and depressions, drainage facilities, vegetative cover, paved areas, and other significant natural or manmade features on the site and adjacent land within one hundred feet of the boundary;

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

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

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

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

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

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

(d) Location and description of methods to prevent tracking of sediment off-site, including construction of entrance details, as appropriate;

(e) Description of dust and traffic control measures;

(f) Locations of stockpiles and description of stabilization methods;

(g) Description of off-site fill or borrow volumes, locations, and methods of stabilization;

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

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

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

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

(C) The Building Department may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this chapter.
(78 Code, § 15.24.060) (Ord. 854, passed - -92)

§ 15.24.070 BONDS.

The applicant is required to file with the city a faithful performance bond or bonds, letter of credit, or other improvement security satisfactory to the Building Department in an amount deemed sufficient by the Building Department to cover all costs of improvements, landscaping, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by the city, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.
(78 Code, § 15.24.070) (Ord. 854, passed - -92)

§ 15.24.080 REVIEW AND APPROVAL.

Each application for a site development permit shall be reviewed and acted upon according the following procedures:

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

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

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

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

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

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

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

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

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

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

('78 Code, § 15.24.080) (Ord. 854, passed - -92)

§ 15.24.090 EXPIRATION OF PERMIT.

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

('78 Code, § 15.24.090) (Ord. 854, passed - -92)

§ 15.24.100 APPEALS.

The applicant, or any person or agency which received notice of the filing of the application, may appeal the decision of the Building Department as provided in § 15.24.080 to the City Council. Upon receipt of an appeal, the City Council shall schedule and hold a public hearing, after giving 15 days notice thereof. The City Council shall render a decision within 30 days after the hearing. Factors to be

considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainageways; nature and type of soil or rock which when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation. ('78 Code, § 15.24.100) (Ord. 854, passed - -92)

§ 15.24.110 SITE DEVELOPMENT PLANS; FILED WHERE.

Plans, specifications and reports for all site developments shall be retained in original form or on microfilm by the Building Department. ('78 Code, § 15.24.110) (Ord. 854, passed - -92)

§ 15.24.120 DESIGN AND OPERATION; STANDARDS AND SPECIFICATIONS.

(A) *Applicability.* All clearing, grading, stripping, excavating and filling which is subject to the permit requirements of this chapter shall be subject to the applicable standards and requirements set forth in §§ 15.24.120 through 15.24.180.

(B) *Responsibility.* The permittee shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the city or its officers or agents will not be made liable for such damage, by the issuance of a permit under this chapter, compliance with the provisions of that permit or which conditions attached to it by the Building Department, failure of the city officials to recommend denial of or to deny a permit, or exceptions from the permit requirements of this chapter. ('78 Code, § 15.24.120) (Ord. 854, passed - -92)

§ 15.24.130 EROSION AND SEDIMENT CONTROL REQUIREMENTS.

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

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

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

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

(4) Sediment basins and sediment trap designs shall provide for both detention storage shall be composed of equal volumes of wet detention storage and dry detention storage, and each shall be sized for the two-year, 24-hour runoff from the site under maximum runoff conditions during construction.

The release rate of the basin shall be that rate required to achieve minimum detention times of at least ten hours. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.

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

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

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

(2) For grades of 4% to 8%, sod or an equivalent control measure shall be applied in the channel;

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

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

(1) Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or nonvegetative measures;

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

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

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

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

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

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

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

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

(H) Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways.

(I) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.
(’78 Code, § 15.24.130) (Ord. 854, passed - -92)

§ 15.24.140 HANDBOOKS ADOPTED BY REFERENCE.

The standards and specifications contained in Standards and Specifications for Soil Erosion and Sediment Control (the Yellow Book) and the Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control (the Green Book) cited in § 15.24.060(B) are hereby incorporated into this section and made a part by reference for the purpose of delineating procedures and methods of operation under site development and erosion and sedimentation control plans approved under §§ 15.24.040 through 15.24.110 of this code. In the event of conflict between provisions of said manuals and of this chapter, the chapter shall govern.
(’78 Code, § 15.24.140) (Ord. 854, passed - -92)

§ 15.24.150 MAINTENANCE OF CONTROL MEASURES.

All soil erosion and sediment control measures necessary to meet the requirements of this chapter shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.
(’78 Code, § 15.24.150) (Ord. 854, passed - -92)

§ 15.24.160 INSPECTION.

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

(1) Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading;

- (2) After stripping and clearing;
- (3) After rough grading;
- (4) After final grading;
- (5) After seeding and landscaping deadlines; and
- (6) After final stabilization and landscaping, prior to removal of sediment controls.

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

('78 Code, § 15.24.160) (Ord. 854, passed - -92)

§ 15.24.170 ADDITIONAL PRECAUTIONS; UNUSUAL SITE CONDITIONS.

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

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

('78 Code, § 15.24.170) (Ord. 854, passed - -92)

§ 15.24.180 AMENDMENT OF PLANS; FIELD MODIFICATIONS.

Major amendments of the site development or erosion and sedimentation control plans shall be submitted to the building department and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the Building Department by written authorization to the permittee.

('78 Code, § 15.24.180) (Ord. 854, passed - -92)

§ 15.24.190 EXCEPTIONS; AUTHORIZED WHEN.

The City Council may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this chapter:

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

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

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

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

(B) Each application for an exception shall be referred to the Building Department for review. The Building Department shall transmit its recommendations to the City Council which shall review such recommendations prior to granting or denying the exception.

(C) The City Council shall hold a public hearing on each application for exception, within 30 days after receiving application, in the manner provided with respect to appeals. After public hearing, the City Council may approve such site development permit application and exception application or it may take such other action as appropriate.

('78 Code, § 15.24.190) (Ord. 854, passed - -92)

§ 15.24.200 REVOCATION OF PERMIT.

(A) In the event any person holding a site development permit pursuant to this chapter violates the terms of the permit, or carries on site development in such a manner as to materially adversely affect the health, welfare or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Building Department may suspend or revoke the site development permit.

(B) Suspension of a permit shall be by a written stop-work order issued by the Building Department and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately shall state the specified violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the City Council at which the conditions of division (C) below can be met.

(C) (1) No site development permit shall be permanently suspended or revoked until a hearing is held by the City Council. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

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

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

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

('78 Code, § 15.24.200) (Ord. 854, passed - -92)

§ 15.24.210 VIOLATIONS AND PENALTIES.

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

('78 Code, § 15.24.210) (Ord. 854, passed - -92)

CHAPTER 15.26: CREST HILL LOWLAND CONSERVANCY OVERLAY DISTRICT

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I. GENERAL PROVISIONS**§ 15.26.010 AUTHORITY.**

The Lowland Conservancy Overlay District is adopted by the City Council of Crest Hill, Illinois, under the authority of the Illinois Compiled Statutes.
(Ord. 855, passed 9-21-92)

§ 15.26.020 SHORT TITLE.

This chapter shall be known and cited as the Crest Hill Lowland Conservancy Overlay District Ordinance.
(Ord. 855, passed 9-21-92)

§ 15.26.030 PURPOSE; INTENT.

(A) It is the purpose and intent of this chapter to promote the health, safety and general welfare of the present and future residents of the City of Crest Hill and downstream drainage areas by providing for the protection, preservation, proper maintenance, and use of the city's watercourses, lakes, ponds, floodplain and wetland areas. This chapter is more specifically adopted:

- (1) To prevent flood damage by preserving storm and flood water storage capacity;
- (2) To maintain the normal hydrologic balance of streams, floodplains, ponds, lakes, wetlands, and groundwater by storing and providing for infiltration of wet-period runoff in floodplains and wetlands, and releasing it slowly to the stream to maintain in-stream flow;
- (3) To manage stormwater runoff and maintain natural runoff conveyance systems, and minimize the need for major storm sewer construction and drainageway modification;
- (4) To improve water quality, both by filtering and storing sediments and attached pollutants, nutrients, and organic compounds before they drain into streams or wetlands, and by maintaining the natural pollutant-assimilating capabilities of streams, floodplains and wetlands;
- (5) To protect shorelines and stream banks from soil erosion, using natural means and materials wherever possible;
- (6) To protect wildlife fish spawning, breeding, nursery and feeding grounds;

- (7) To protect wildlife habitat;
- (8) To preserve areas of special recreational scenic, or scientific interest, including natural areas and habitats of endangered species;
- (9) To maintain and enhance the aesthetic qualities of developing areas; and
- (10) To encourage the continued economic growth and high quality of life of the City of Crest Hill which depends in part on an adequate quality of water, a pleasing natural environment, and recreational opportunities in proximity to the city.

(B) In order to achieve the purpose and intent of this chapter, the City of Crest Hill hereby designates the Lowland Conservancy Overlay District which shall be considered as an overlay to the zoning districts created by the Crest Hill zoning ordinances as amended. Provided, however, that jurisdiction for any matters or issues raised by virtue of this chapter shall not vest in the Crest Hill Plan Commission, nor shall the existence of or development activities in the above Overlay District be the subject of any decisions or recommendations by the Plan Commission or any future revisions or amendments of the zoning ordinances. Rather, any proposed development activity within the District is permissible only where a special use permit as generically approved by the City Council is obtained from the Crest Hill Building Commissioner.

(Ord. 855, passed 9-21-92)

§ 15.26.040 DEFINITIONS.

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

ARMORING. A form of channel modification which involves the placement of materials (concrete, riprap, bulkheads, and the like) within a stream channel or along a shoreline to protect property above streams, lakes and ponds from erosion and wave damage caused by wave action and stream flow.

BULKHEAD. A retaining wall that protects property along water.

CHANNEL. A natural or artificial watercourse of perceptible extent that periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a definite bed and banks that serve to contain the water.

CHANNEL MODIFICATION or **CHANNELIZATION.** To alter a watercourse by changing the physical dimension or materials of the channel. **CHANNEL MODIFICATION** includes damming, riprapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of bottom or wood vegetation. **CHANNEL MODIFICATION** does not include the clearing of debris or trash from the watercourse. **CHANNELIZATION** is a severe form of channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g., straightening).

CONTROL STRUCTURE. A structure designed to control the rate of stormwater runoff that passes through the structure, given a specific upstream and downstream water surface elevation.

CULVERT. A structure designed to carry drainage water or small streams below barriers such as roads, driveways, or railway embankments.

DEPRESSIONAL AREA. Any area which is lower in elevation on all sides than surrounding properties (i.e., does not drain freely), or whose drainage is severely limited such as by a restrictive culvert. A

DEPRESSIONAL AREA will fill with water on occasion when runoff into it exceeds the rate of infiltration into underlying soil or exceeds the discharge through its controlled outlet. Large **DEPRESSIONAL AREAS** may provide significant stormwater or floodplain storage.

DEVELOPMENT. The carrying out of any building, agricultural, or mining operation, or the making of any change in the use or appearance of land. The following activities or uses shall be taken, for purposes of this chapter, to involve development as defined herein:

- (1) Any construction, reconstruction, or alteration of a structure to occupy more or less ground area, or the on-site preparation for same;
- (2) Any change in the intensity of use of land, such as an increase in the number of dwelling units on land, or a material increase in the site coverage of businesses, manufacturing establishments, offices, and dwelling units, including mobile homes, campers, and recreational vehicles, on land;
- (3) Any agricultural use of land including, but not limited to, the use of land in horticulture, floriculture, forestry, dairy, livestock, poultry, beekeeping, pisciculture, and all forms of farm products and farm production;
- (4) The commencement of drilling, except to obtain soil samples, or the commencement of mining, filling, excavation, dredging, grading or other alterations of the topography;
- (5) Demolition of a structure or redevelopment of a site;
- (6) Clearing of land as an adjunct of construction for agricultural, private residential, commercial or industrial use;
- (7) Deposit of refuse, solid or liquid waste, or fill on a parcel of land, or the storage of materials;
- (8) Construction, excavation, or fill operations relating to the creation or modification of any road, street, parking facility or any drainage canal, or to the installation of utilities or any other grading activity that alters the existing topography;
- (9) Construction or erection of dams, levees, walls, fences, bridges or culverts; and
- (10) Any other activity that might change the direction, height, or velocity of flood or surface waters.

DISTRICT. The Lowland Conservancy Overlay District as defined in § 15.26.220.

EROSION. The general process whereby soils are moved by flowing water or wave action.

FILTERED VIEW. The maintenance or establishment of wood vegetation of sufficient density to screen developments from a stream or wetland, to provide for streambank stabilization and erosion control, to serve as an aid to infiltration of surface runoff, and to provide cover to shade the water. The vegetation need not be so dense as to completely block the view. **FILTERED VIEW** means no clear cutting.

FLOODPLAIN. That land adjacent to a body of water with ground surface elevations at or below the 100-year frequency flood elevation.

FLOODWAY. That portion of the floodplain (sometimes referred to as the **BASE FLOODPLAIN** or **SPECIAL FLOOD HAZARD AREA**) required to store and convey the base flood. The **FLOODWAY** is the 100-year floodway as designated and regulated by the Illinois Department of Transportation/Division of Water Resources. The remainder of the floodplain which is outside the regulatory floodway is referred to as the "flood fringe" or "floodway fringe."

HYDRAULIC CHARACTERISTICS. The features of a watercourse which determine its water conveyance capacity. These features include but are not limited to: size and configuration of the cross-section of the watercourse and floodway; texture and roughness of materials along the watercourse; alignment of watercourse; gradient of watercourse; and size, configuration, and other characteristics of structures within the watercourse. In low-lying areas the characteristics of the overbank area also determine water conveyance capacity.

LOT. An area of land, with defined boundaries, that is designated in official assessor's records as being one parcel.

LAKE or POND. Any inland waterbody, fed by spring or surface water flow.

NATURAL. In reference to watercourses, means those stream channels, grassed waterways and swales formed by the existing surface topography of the earth prior to changes made by unnatural causes. A natural stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no alteration of the course or cross-section of the stream caused by filling or excavating.

ORDINARY HIGH WATER MARK (OHWM). The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

QUALIFIED PROFESSIONAL. A person trained in one or more of the disciplines of biology, geology, soil science, engineering, or hydrology whose training and experience ensure a competent analysis and assessment of stream, lake, pond and wetland conditions and impacts.

REGISTERED PROFESSIONAL ENGINEER. A person trained in one or more of the disciplines of biology, geology, soil science, engineering, or hydrology whose training and experience ensure a competent analysis and assessment of stream, lake, pond and wetland conditions and impacts.

RETENTION/DETENTION FACILITY. A facility that provides for storage of storm water runoff and controlled release of this runoff during and after a flood or storm.

RUNOFF. The portion of precipitation on the land that is not absorbed by the soil or plant material and which runs off the land.

SEDIMENTATION. The processes that deposit soils, debris, and other materials either on other ground surfaces or in water bodies or watercourses.

SETBACK. The horizontal distance between any portion of a structure or any development activity and the ordinary high water mark of a perennial or intermittent stream, the ordinary high water mark of a lake or pond, or the edge of a wetland, measured from the structure's or development's closest point to the ordinary high water mark, or edge.

STREAM. A body of running water flowing continuously or intermittently in a channel on or below the surface of the ground. 7.5 minute topographic maps of the U.S. Geological Survey are one reference for identifying perennial and intermittent streams. For purposes of this chapter, **STREAM** does not include storm sewers.

STRUCTURE. Anything that is constructed, erected or moved to or from any premise which is located above, on, or below the ground including, but not limited to roads, signs, billboards, and mobile homes. Temporary recreational facilities including, but not limited to, tents, camper trailers, and recreation vehicles are not considered **STRUCTURES** when used less than 180 days per year and located landward of the minimum setback provided as a natural vegetation strip.

VEGETATION. All plant growth, especially trees, shrubs, mosses, and grasses.

WATERCOURSE. Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, slough, gulch, draw, ditch, channel, conduit, culvert, swale, grass waterway, gully, ravine, wash, or natural or man-made drainageway, which has a definite channel, bed and banks, in or into which stormwater runoff and floodwater flow either regularly or intermittently.

WETLAND. Those transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Classification of area as wetlands shall follow the "Classification of Wetlands and Deepwater Habitats of the United States" as published by the U.S. Fish and Wildlife Service (FWS/OBS-79/31) .
(Ord. 855, passed 9-21-92)

II. PERMITS

§ 15.26.100 SPECIAL USE PERMIT.

(A) To ensure that proposed development activity can be carried out in a manner which is compatible and harmonious with the natural amenities of the Lowland Conservancy Overlay District and with surrounding land uses, a request for a special use permit for such development activity must be submitted for approval by the City Council or by its designee, the Crest Hill Building Commissioner.

(B) No special use permit shall be issued unless the City of Crest Hill finds that:

(1) The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, and forested areas, nor impair their natural functions, but will preserve and incorporate such features into the development's site;

(2) The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements;

(3) Adequate assurances have been received that the clearing of the site of topsoil, trees, and other natural features will not occur before the commencement of building operations. Only those areas approved for the placement of physical improvements may be cleared;

(4) The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and that in addition, the development will not increase stream velocities; and

(5) The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff.

(C) There shall be no development, including the immediate or future clearing or removal of natural ground cover and/or trees, within the Lowland Conservancy Overlay District for any purpose, unless a special use permit is granted subject to the provisions of this chapter or the provisions of the City of Crest Hill zoning ordinance.

(D) Dumping, filling, mining, excavating, dredging, or transferring of any earth material within the District is prohibited unless a special use permit is granted.

(E) No ponds or impoundments shall be created nor other alterations or improvements shall be allowed in the District for recreational uses, storm water management, flood control, agricultural uses or as scenic features unless a special use permit is granted.
(Ord. 855, passed 9-21-92)

§ 15.26.110 APPLICATION FOR PERMIT.

Application for a special use permit shall be made by the owner of the property, or his or her authorized agent, to the City of Crest Hill on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site and or any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee of \$50. Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.
(Ord. 855, passed 9-21-92)

§ 15.26.120 SUBMISSIONS.

Each applicant for a special use permit shall be accompanied by the following information as specified in the chapter sections cited:

(A) General provisions.

- (1) Site Development Plan, § 15.26.240.
- (2) Geologic and Soil Report, § 15.26.250.
- (3) Drainage Control Plan, § 15.26.260.
- (4) Site Grading and Excavation Plan, § 15.26.270.
- (5) Landscape Plan, § 15.26.280.

(B) Justification for watercourse relocation and minor modifications.

- (1) Stream Modification/Relocation Plan, § 15.26.320.
- (2) Channel and Bank Armoring, § 15.26.330.
- (3) Culverts, § 15.26.340.
- (4) On-Stream Impoundments, § 15.26.350.
- (5) Impact Assessment, § 15.26.400 (at option of the City of Crest Hill).

(C) Where a proposed development activity is less than two and one-half acres in area the City of Crest Hill, upon approval of the City of Crest Hill Engineer, may waive or simplify any or all of the submission requirements (§§ 15.26.240 through 15.26.280) provided that the person responsible for any such development shall implement necessary protection measures to satisfy the purpose and intent set forth in § 15.26.030. (See § 15.26.510, Variances.)
(Ord. 855, passed 9-21-92)

§ 15.26.130 BONDS.

The applicant may be required to file with the City of Crest Hill a faithful performance bond or bonds, letter of credit, or other improvement security satisfactory to the City of Crest Hill, in an amount deemed sufficient by the City of Crest Hill to cover all costs of improvements, landscaping, or maintenance of improvements and landscaping, for such period as specified by the City of Crest Hill, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.
(Ord. 855, passed 9-21-92)

§ 15.26.140 REVIEW AND APPROVAL.

Each application for a special use permit shall be reviewed and acted upon according to the following procedures:

(A) The City of Crest Hill will review each application for a special use permit to determine its conformance with the provisions of this chapter. The City of Crest Hill may also refer any application to the Will Soil and Water Conservation District and/or any other local government or public agency within whose jurisdiction the site is located for review and comments. Within 30 days after receiving an application, the City of Crest Hill shall in writing:

- (1) Approve the permit application, if it is found to be in conformance with the provisions of this chapter, and issue the permit;
- (2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this chapter, and issue the permit subject to these conditions; or
- (3) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

(B) No special use permit shall be issued for an intended development site unless:

- (1) The development, including but not limited to subdivisions and planned unit developments, has been approved by the City of Crest Hill where applicable; or
- (2) Such permit is accompanied by or combined with a valid building permit issued by the City of Crest Hill; or
- (3) The proposed development is coordinated with any overall development program previously approved by the City of Crest Hill for the area in which the site is situated.

(C) Failure of the City of Crest Hill to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed, unless such time is extended by agreement between the City of Crest Hill and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City of Crest Hill.
(Ord. 855, passed 9-21-92)

§ 15.26.150 PERMIT EXCEPTIONS.

The provisions of this chapter shall not apply to:

(A) Emergency work necessary to preserve life or property; when emergency work is performed under this section, the person performing it shall report the pertinent facts relating to the work to the City of Crest Hill within ten days after commencement of the work and shall thereafter obtain a special use permit and shall perform such work as may be determined by the agency to be reasonably necessary to correct any impairment to the watercourse, lake, pond, floodplain or wetland (in terms of the purposes of § 15.26.030(A)).

(B) Work consisting of the operation, repair, or maintenance of any lawful use of land existing on the date of adoption of this chapter;

(C) (1) Lands adjacent to farm ditches if:

- (a) Such lands are not adjacent to a natural stream or river; or

(b) Those parts of such drainage ditches adjacent to such lands were not streams before ditching; or

(c) Such lands are maintained in agricultural uses without buildings and structures.

(2) Where farm ditches are found to contribute to adverse environmental impacts or hazards to persons or property, the City of Crest Hill may include designated farm ditches in the District. The City of Crest Hill may also require that linings, bulkheads, dikes and culverts be removed to mitigate hazards, or that other mitigative measures be taken, such as the maintenance of a natural vegetation buffer strip. (Ord. 855, passed 9-21-92)

§ 15.26.160 AFFECT ON OTHER PERMITS.

The granting of a special use permit under the provisions herein shall in no way affect the owner's responsibility to obtain the approval required by any other statute, ordinance, or regulation of any state agency or subdivision thereof, or to meet other City of Crest Hill ordinances and regulations. Where state and/or federal permits are required, a special use permit will not be issued until they are obtained. (Ord. 855, passed 9-21-92)

III. GENERAL REGULATIONS

§ 15.26.200 GENERAL PROVISIONS - AREA AFFECTED.

(A) This chapter applies to development in or near streams, lakes, ponds, and wetlands within the City of Crest Hill. Streams, lakes, and ponds (including intermittent streams) are those which are shown on the United States Department of the Interior Geological Survey (USGS) 7.5 minute quadrangle maps and those additional streams, lakes, and ponds delineated on maps adopted as part of this chapter. Those maps are hereby made a part of this chapter, and two copies thereof shall remain on file in the office of the City of Crest Hill Administrator for public inspection. Within the jurisdiction of the City of Crest Hill, those waterbodies and watercourses that are named and are subject to the provisions of this chapter are the DesPlaines River, Tributary A to DesPlaines River, Rock Run Creek, St. Anne School Tributary and St. Francis Creek. Wetlands are those designated in the U.S. Fish and Wildlife Service/Illinois Department of Conservation Wetland Inventory and those additional wetlands delineated on maps adopted as part of this chapter.

(B) If new drainage courses, lakes, ponds or wetlands are crated as part of a development, the requirements for setbacks and uses within setbacks, and the criteria for watercourse relocation and minor modification shall apply. The District shall be amended as appropriate to include these areas. (Ord. 855, passed 9-21-92)

§ 15.26.210 THE LOWLAND CONSERVANCY OVERLAY DISTRICT.

The Lowland Conservancy Overlay District shall be considered as an overlay to the zoning districts created by the City of Crest Hill zoning ordinance as amended. In addition to the requirements of this chapter, applicants for a special use permit within the District shall meet all requirements of the underlying zoning districts. In the event of a conflict between the Overlay District requirements and the underlying zoning district requirements, the most restrictive requirements prevail. (Ord. 855, passed 9-21-92)

§ 15.26.220 DISTRICT BOUNDARY.

(A) The procedures, standards and requirements contained in this chapter shall apply to all lots within wetlands and streams, and all lots lying wholly or in part:

(1) Within the Special Flood Hazard Area (SFHA) designated by the Federal Emergency Management Agency (FEMA); or

(2) Within 100 feet of the ordinary high water mark (OHWM) of a perennial stream or intermittent stream, the ordinary high water mark of a lake or pond, or the edge of a wetland; or

(3) Within depressional areas serving as floodplain or stormwater storage areas, as designated on the Lowland Conservancy District Map.

(B) The District is designated on a map labeled "Lowland Conservancy Overlay District Map," which is made to be part of this chapter and which has the same force and effect as if all the notations, references, and descriptions shown thereon were set forth or described herein. Designated areas are attached to Ordinance No. 855 as Exhibits 1 and 2 and additional areas may be approved from time to time and be made exhibits thereto.

(Ord. 855, passed 9-21-92)

§ 15.26.230 MINIMUM SETBACK OF DEVELOPMENT ACTIVITY FROM STREAMS, LAKES, PONDS AND WETLANDS.

(A) Absolutely no development activity (except as provided below) may occur within the minimum setback which is defined as 75 feet from the ordinary high water mark of streams, lakes and ponds, or the edge of wetlands, or within a designated depressional area. In no case shall the setback be less than the boundary of the 100-year floodway as defined by FEMA. These setback requirements do not apply to a stream in a culvert unless the stream is taken out of the culvert as part of development activity. If a culvert functions as a low-flow culvert, where water is intended to periodically flow over it, the setback requirements apply.

(B) The following development activities may be permitted, subject to issuance of a special use permit, within the minimum setback areas only if, as a practical matter, they cannot be located outside the setback area. Such development activities will only be approved based upon a report, prepared by a qualified professional, which demonstrates that they will not adversely affect water quality; destroy, damage or disrupt significant habitat area; adversely affect drainage and/or stormwater retention capabilities; adversely affect flood conveyance and storage; lead to unstable earth conditions, create erosion hazards, or be materially detrimental to any other property in the area of the subject property or the City of Crest Hill as a whole, including the loss of open space or scenic vistas:

(1) Minor improvements such as walkways, benches, comfort stations, informational displays, directional signs, foot bridges, observation decks, and docks;

(2) The maintenance, repair, replacement, and reconstruction of existing highways and bridges, electrical transmission and telecommunication lines, poles, and towers; and

(3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic natural and scientific areas, game refuges, fish and wildlife improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps.

(C) Review of the proposed development activity within the minimum setback area will consider the following:

(1) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches, or the development of park shelters or similar structures is allowed. The development and maintenance of roads, parking lots and other impervious surfaces necessary for permitted uses are allowed only on a very limited basis, and where no alternate location outside of the setback are is available.

(2) Land surface modification within the minimum setback shall be permitted for the development of stormwater drainage swales between the developed area of the site (including a stormwater detention facility on the site) and a stream, lake or pond, or wetland. Detention basins within the setback are generally discouraged, unless it can be shown that resultant modifications will not impair water quality, habitat, or flood storage functions.

(3) No filling or excavating within wetlands is permitted except to install piers for the limited development or walkways and observation decks. Walkways and observation decks should avoid high quality wetland areas, and should not adversely affect natural areas designated in the Illinois Natural Areas Inventory or the habitat of rare or endangered species.

(4) Wetland areas occupied by the development of decks and walkways must be mitigated by an equal area of wetland habitat improvement.

(5) Modification of degraded wetlands for purposes of stormwater management is permitted where the quality of the wetland is improved and total wetland acreage is preserved. Where such modification is permitted, wetlands shall be protected from the effects of increased stormwater runoff by measures such as detention or sedimentation basins, vegetated swales and buffer strips, and sediment and erosion control measures on adjacent developments. The direct entry of storm sewers into wetlands shall be avoided. Environmental impact analysis of wetland modification may be required in accordance with § 15.26.400.

(D) An applicant for a special use permit (§ 15.26.100) must stabilize areas left exposed after land surface modification with vegetation normally associated with that stream or wetland. The planting or native riparian vegetation is recommended as the preferred stabilization measure. Other techniques should be used only when and where vegetation fails to control erosion. The preferred alternative is riprap, using natural rock materials where practicable, installed on eroding bank areas in a manner that provides interstitial space for vegetative growth and habitat for macroinvertebrates and other stream organisms. Lining of the stream channel bottom is not permitted.

(E) The applicant shall minimize access to the applicant's proposed development activity within all or part of the Lowland Conservancy Overlay District where such access could adversely affect the stream, lake, pond, wetland, or related environmentally sensitive areas.
(Ord. 855, passed 9-21-92)

§ 15.26.240 SITE DEVELOPMENT PLAN.

(A) A site development plan must be prepared for any proposed development within, or partly within, the Lowland Conservancy Overlay District and must indicate:

(1) Dimension and are of parcel, showing also the vicinity of the site in sufficient detail to enable easy location, in the field, of the site for which the special use permit is sought, and including the boundary line, underlying zoning, a legend, a scale, and a north arrow. (This requirement may be satisfied by the submission of a separate vicinity map.);

(2) Location of any existing and proposed structures;

(3) Location of existing or proposed on-site sewage systems or private water supply systems;

- mark;
- (4) Location or any perennial or intermittent stream, lake, or pond, and its ordinary high water mark;
 - (5) Location and landward limit of all wetlands;
 - (6) Location of setback lines as defined in this chapter;
 - (7) Location of the 100-year floodway;
 - (8) Location of existing or future access roads;
 - (9) Specifications and dimensions of stream, wetland or other water areas proposed for alterations;
 - (10) Cross-sections and calculations indicating any changes in flood storage volumes; and
 - (11) Such other information as reasonably requested by the City of Crest Hill.

(B) The applicant shall present evidence, prepared by a qualified professional, that demonstrates that the proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow. The developer shall also show, by submitting appropriate calculations and resource inventories, that the proposed development activity will not substantially reduce natural floodwater storage capacity, destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or ground water resources, increase stormwater runoff velocity so that water levels on other lands are substantially raised or the danger from flooding increased, or adversely impact any other natural stream, floodplain, or wetland functions, and is otherwise consistent with the intent of this chapter.

(Ord. 855, passed 9-21-92)

§ 15.26.250 GEOLOGIC AND SOIL CHARACTERISTICS; GEOLOGIC AND SOIL REPORT.

The site proposed for development shall be investigated to determine the soil and geologic characteristics, including soil erosion potential. A report, prepared by a licensed professional engineer, geoscientist, or soil scientist experienced in the practice of geologic and soil mechanics, shall be submitted with every application for land development within the Lowland Conservancy Overlay District. This report shall include a description of soil type and stability of surface and subsurface conditions. Any area which the investigation indicates as being subject to geologic or soil hazards shall not be subjected to development, unless the engineer or soil scientist can demonstrate conclusively that these hazards can be overcome.

(Ord. 855, passed 9-21-92)

§ 15.26.260 HYDROLOGIC CONTROLS; DRAINAGE CONTROL PLAN.

(A) A drainage control plan that describes the hydraulic characteristics of on-site and nearby watercourses as well as the proposed drainage plan, prepared by a registered professional engineer experienced in hydrology and hydraulics, shall be submitted with each application for land development within the Lowland Conservancy Overlay District. Unless otherwise noted, the following restrictions, requirements and standards shall apply to all development within the Lowland Conservancy Overlay District:

- (1) Natural open-channel drainageways shall be preserved; and
- (2) Runoff from areas of concentrated impervious cover (e.g., roofs, driveways, streets, patios, and the like) shall be collected and transported to a drainageway (preferably a natural drainageway) with

sufficient capacity to accept the discharge without undue erosion or detrimental impact. Vegetated drainage swales are preferred over conveyances constructed of concrete or other manufactured materials.

(B) The drainage control plan shall identify appropriate measures, such as recharge basins and detention/retention basins, which will limit the quantitative and qualitative effects of stormwater runoff to pre-development conditions.

(Ord. 855, passed 9-21-92)

§ 15.26.270 SITE GRADING AND EXCAVATION PLAN.

(A) Section 15.26.270 applies to the extent that grading and excavation and erosion control plans, which satisfy the following requirements, are not already required by a jurisdiction.

(B) A site grading and excavation plan, prepared by a registered professional engineer, trained and experienced in civil engineering, shall be submitted with each application for a special use permit and shall include the following:

- (1) Details of the existing terrain and drainage pattern with one-foot contours;
- (2) Proposed site contours at one-foot intervals;
- (3) Dimensions, elevation and contours of grading, excavation and fill;

(4) A description of methods to be employed in disposing of soil and other material that is removed from allowable grading and excavation sites, including location of the disposal site if on the property;

(5) A schedule showing when each stage of the project will be completed, including the total area of soil surface to be disturbed during each stage, and estimated starting and completion dates. The schedule shall be prepared to as to limit, to the shortest possible period, the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed or disturbed more than 15 days prior to initiation of the improvements; and

(6) A detailed description of the revegetation and stabilization methods to be employed, to be prepared in conjunction with the landscape plan per § 15.26.280. This description should include locations of erosion control measures such as sedimentation basins, straw bales, diversion swales, and the like.

(C) The grading and excavation plan must be consistent with all the provisions of this chapter.

(D) Unless otherwise provided in this chapter, the following restrictions, requirements and standards shall apply to all development within the District:

(1) Every effort shall be made to develop the site in such a manner so as to minimize the alteration of the natural topography;

(2) No grading, filing, cleaning, clearing, terracing or excavation of any kind shall be initiated until final engineering plans are approved and the special use permit is granted by the City of Crest Hill; and

(3) The depositing of any excavation, grading, or clearing material within a stream, lake, pond or wetland area (i.e. within the District) shall be prohibited.

(E) In addition to locating all site improvements on the subject property to minimize adverse impacts on the stream, lake, pond, or wetland, the applicant shall install a berm, curb or other physical barrier

during construction, and following completion of the project, where necessary, to prevent direct runoff and erosion from any modified land surface into a stream, lake, pond, or wetland. All parking and vehicle circulation areas should be located as far as possible from a stream, lake, pond or wetland.

(F) The City of Crest Hill may limit development activity in or near a stream, lake, pond, or wetland to specific months, and to a maximum number of continuous days or hours, in order to minimize adverse impacts. Also, the City of Crest Hill may require that equipment be operated from only one side of a stream, lake, or pond in order to minimize bank disruption. Other development techniques, conditions, and restrictions may be required in order to minimize adverse impacts on streams, lakes, ponds or wetlands, and on any related areas not subject to development activity.

(Ord. 855, passed 9-21-92)

§ 15.26.280 NATURAL VEGETATION BUFFER STRIP REQUIRED; VEGETATION AND REVEGETATION; LANDSCAPE PLAN.

(A) To minimize erosion, stabilize the streambank, protect water quality, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures, and also to preserve aesthetic values of the natural watercourse and wetland areas, a natural vegetation strip shall be maintained along the edge of the stream, lake, pond or wetland. The natural vegetation strip shall extend landward a minimum of 25 feet from the ordinary high water mark of a perennial or intermittent stream, lake or pond and the edge of a wetland.

(B) Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the waterbody from the principal structure and for reasonable private access to the stream, lake, pond or wetland. Said pruning and removal activities shall ensure that a live root system stays intact to provide for streambank stabilization and erosion control.

(C) A landscape plan, prepared by a professional landscape architect, shall be submitted with each special use permit application for development activity within the Lowland Conservancy Overlay District and contain the following:

(1) A plan describing the existing vegetation cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction; and

(2) A plan describing the proposed revegetation of disturbed areas specifying the materials to be used.

(D) The vegetation must be planned in such a way that access for stream maintenance purposes shall not be prevented.

(Ord. 855, passed 9-21-92)

IV. WATERCOURSE REGULATIONS

§ 15.26.300 WATERCOURSE RELOCATION AND MINOR MODIFICATIONS (INCLUDING CHANNELIZATION AND RELOCATION).

(A) Watercourse relocation or modification is generally not permitted because these activities are not usually consistent with the purposes of this chapter. Under certain circumstances, relocation and minor modification may be permitted through a special use permit where certain problems can be mitigated by relocation and/or minor modification, specifically when:

- (1) Off-site hydrologic conditions are causing erosion, flooding and related problems; or
 - (2) On-site soil and geologic conditions are resulting in unstable conditions that pose hazards to life, health, and existing structures or property; or
 - (3) The quality of previously modified or relocated streams can be improved through restoration; or
 - (4) Officially adopted stormwater management plans call for placement of detention or retention facilities in a stream; or
 - (5) Public utilities, including sanitary sewers, pipelines, and roadways require stream crossing or relocation where there are not practical alternatives.
- (B) Modification of watercourses as a convenience for site design purposes is not permitted.
(Ord. 855, passed 9-21-92)

§ 15.26.310 CONDITIONS AND RESTRICTIONS FOR PERMITTING STREAM MODIFICATION.

Stream modification, when permitted, is subject to the following conditions and restrictions:

- (A) Water quality, habitat and other natural functions must be significantly improved by the modification; no significant habitat area may be destroyed;
- (B) The amount of flow and velocity of a stream is not to be increased or decreased as the stream enters or leaves a subject property, unless this reflects an improvement over previous conditions in terms of reduced flooding, reduced erosion, or enhanced low-flow conditions;
- (C) Prior to diverting water into a new channel, a qualified professional approved by the City of Crest Hill shall inspect the stream modification, and issue a written report to the City of Crest Hill that the modified stream complies with the requirements in § 15.26.320; and
- (D) Stream channel enlargement, or other modifications that would increase conveyance, shall not be permitted if the intended purpose is to accommodate development activities in the floodplain.
(Ord. 855, passed 9-21-92)

§ 15.26.320 REQUIRED CONTENT OF STREAM MODIFICATION/RELOCATION PLAN.

Stream relocation may be permitted in accordance with a stream relocation plan which provides for:

- (A) The creation of a natural meander pattern, pools, riffles, and substrate;
- (B) The formation of gentle side slopes (at least three feet horizontally per one foot vertically), including installation of erosion control features;
- (C) The utilization of natural materials wherever possible;
- (D) The planting of vegetation normally associated with streams, including primarily native riparian vegetation;
- (E) The creation of spawning and nesting areas wherever appropriate;
- (F) The re-establishment of the fish population wherever appropriate;

(G) The restoration of water flow characteristics compatible with fish habitat areas, wherever appropriate;

(H) The filling and revegetation of the prior channel;

(I) A proposed phasing plan, specifying time of year for all project phases;

(J) Plans for sediment and erosion control; and

(K) Establishment of a low-flow channel which reflects the conditions of a natural stream.
(Ord. 855, passed 9-21-92)

§ 15.26.330 CRITERIA FOR PERMITTING ARMORING OF CHANNELS AND BANKS.

(A) Armoring in the form of bulkheads, riprap or other materials or devices is not permitted except in accordance with the following:

(1) Significant erosion cannot be prevented in any other way and the use of vegetation and gradual bank slopes has not sufficiently stabilized the shoreline or bank;

(2) The bulkhead or other device is not placed within a wetland, or between a wetland and a lake or pond;

(3) The bulkhead, riprap or other device will minimize the transmittal of wave energy or currents to other properties; and

(4) The change in the horizontal or vertical configuration of the land must be kept to a minimum.

(B) Where permission to install bulkheads or other armoring devices is requested as part of the special use permit application, documentation and certification pertaining to the items above must be submitted.

(Ord. 855, passed 9-21-92)

§ 15.26.340 CRITERIA FOR PERMITTING THE USE OF CULVERTS.

Culverts are not permitted in streams except in accordance with the following:

(A) Where a culvert is necessary for creating access to a property; use of culverts as a convenience, in order to facilitate general site design, is not to be considered;

(B) The culvert must allow passage of fish inhabiting the stream, and accommodate the 100-year flood event without increasing upstream floodings, except where a restricting culvert is desirable as part of an overall storm and floodwater management plan;

(C) The culvert must be maintained free of debris and sediment to allow free passage of water, and if applicable, fish; and

(D) The stream bottom should not be significantly widened for the placement of a culvert as this increases siltation; if multiple culverts must be installed, one culvert should be at the level of the bottom of the stream and the others at or above normal water elevation.

(Ord. 855, passed 9-21-92)

§ 15.26.350 CRITERIA FOR PERMITTING ON-STREAM IMPOUNDMENTS.

Impoundment of streams is not permitted except in accordance with the following:

(A) The impoundment is determined to be in the public interest by providing regional stormwater detention, flood control, or public recreation;

(B) The impoundment will not prevent the upstream migration of indigenous fish species;

(C) A non-point source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals, and other pollutants;

(D) Impoundments without permanent low-flow pools are preferred except where a permanent pool is necessary to achieve the intended benefits of the impoundment (e.g. recreation or water quality mitigation); and

(E) Impoundment design shall include gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin.
(Ord. 855, passed 9-21-92)

V. OTHER REQUIREMENTS

§ 15.26.400 IMPACT ASSESSMENT.

City of Crest Hill may ask an applicant to submit a report prepared by a qualified professional, and approved by the City of Crest Hill, in order to assess the potential impact of proposed development on a lake, stream or wetland and associated environmentally sensitive areas, including loss of flood storage potential, loss of habitat, changes in species diversity and quantity, impacts on water quality, increases in human intrusion, and impacts on associated streams, lakes, ponds, wetlands or downstream areas.
(Ord. 855, passed 9-21-92)

§ 15.26.410 STREAM MAINTENANCE EASEMENT.

The applicant shall grant an access easement for stream maintenance purposes to the City of Crest Hill over 25 feet parallel to the stream bank.
(Ord. 855, passed 9-21-92)

§ 15.26.420 NONCONFORMING USES.

(To conform with the appropriate section of the City of Crest Hill zoning ordinance.)
(Ord. 855, passed 9-21-92)

VI. ENFORCEMENT; APPEALS

§ 15.26.500 BOARD OF APPEALS.

(To conform with the appropriate section of the City of Crest Hill zoning ordinance.)
(Ord. 855, passed 9-21-92)

§ 15.26.510 VARIANCES.

(To conform with the appropriate section of the City of Crest Hill zoning ordinance.)
(Ord. 855, passed 9-21-92)

§ 15.26.520 APPEALS.

(To conform with the appropriate section of the City of Crest Hill zoning ordinance.)
(Ord. 855, passed 9-21-92)

§ 15.26.530 BONDS.

City of Crest Hill may require the posting of a bond or surety to ensure compliance with any aspect of this chapter.
(Ord. 855, passed 9-21-92)

§ 15.26.540 LIABILITY.

Prior to issuance of a construction permit, the applicant shall enter into an agreement with the City of Crest Hill which runs with the property, in a form acceptable to the City of Crest Hill attorney, indemnifying the City of Crest Hill for any damage resulting from development activity on the subject property which is related to the physical condition of the stream or wetland.
(Ord. 855, passed 9-21-92)

§ 15.26.550 SEPARABILITY.

Every section, provision, or part of this chapter is declared separable from every other section, provision, or part; and if any section, provision, or part thereof shall be held invalid, it shall not affect any other section, provision, or part.
(Ord. 855, passed 9-21-92)

§ 15.26.560 RETROACTIVITY.

The requirements of this chapter apply to all platted and unplatted lands within the jurisdiction of the City of Crest Hill.
(Ord. 855, passed 9-21-92)

§ 15.26.570 ENFORCEMENT.

Authority for administration of this chapter resides with the Zoning Administrator.
(Ord. 855, passed 9-21-92)

§ 15.26.580 STOP-WORK ORDER; REVOCATION OF PERMIT.

In the event any person holding a special use permit pursuant to this chapter violates the terms of the permit, or carries on site development in such a manner so as to materially and adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the development site, or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City of Crest Hill may suspend or revoke the special use permit.

(A) Suspension of a permit shall be by a written stop-work order issued by the City of Crest Hill and delivered to the permittee or his or her agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the Board of Appeals, at which the conditions of division (B) below can be met.

(B) (1) No special use permit shall be permanently suspended or revoked until a hearing is held by the Board of Appeals. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

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

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

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

(Ord. 855, passed 9-21-92)

§ 15.26.590 VIOLATIONS; PENALTIES.

No person shall undertake or continue any development activity contrary to or in violation of any terms of this chapter. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this chapter is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$500 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this chapter shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration.

(Ord. 855, passed 9-21-92)

CHAPTER 15.28: FIRE CODE

Section

15.28.010 Adoption of International Fire Code

§ 15.28.010 ADOPTION OF INTERNATIONAL FIRE CODE.

The 2000 International Fire Code and all Appendices thereto shall be known as the Fire Code of the City of Crest Hill, Illinois and is hereby adopted as the Fire Code of the city, a copy of which is on file with the Building Commissioner.
(Ord. 1670, passed 7-7-14)

