

ORDINANCE NO. 577

VILLAGE OF BELLEVUE, ILLINOIS

**ORDINANCE ESTABLISHING EROSION CONTROL AND
STORM WATER DRAINAGE AND DETENTION REQUIREMENTS**

**ADOPTED BY THE
BOARD OF TRUSTEES
OF THE VILLAGE OF BELLEVUE**

Published in pamphlet form by authority of the Board of Trustees of the Village of Bellevue, Peoria County, Illinois, this 27th day of February, 2006.

STATE OF ILLINOIS)
)
COUNTY OF PEORIA)

CERTIFICATE

I, Carol A. Howard, certify that I am the duly elected and acting village clerk of the Village of Bellevue, Peoria County, Illinois.

I further certify that on February 27, 2006, the Corporate Authorities of such municipality passed and approved Ordinance No. 577, entitled ORDINANCE ESTABLISHING EROSION CONTROL AND STORM WATER DRAINAGE AND DETENTION REQUIREMENTS, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 577, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on February 27, 2006, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Bellevue, Illinois, this 27th day of February, 2006.

(SEAL)



Carol A. Howard, Village Clerk

ORDINANCE NO. 577

VILLAGE OF BELLEVUE, ILLINOIS

ORDINANCE ESTABLISHING EROSION CONTROL AND
STORM WATER DRAINAGE AND DETENTION REQUIREMENTS

WHEREAS, the Village President and Village Board of Trustees has determined that excessive quantities of soil may erode from areas undergoing development for certain non-agricultural 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;

WHEREAS, the Village President and Village Board of Trustees has further determined that the washing, blowing and falling of eroded soil across and upon roadways endangers the health and safety of users thereof, by decreasing vision and reducing traction of road vehicles; that soil erosion necessitates the costly repairing of gulleys, washed-out fills and embankments; that sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, wetlands and reservoirs; that sediment limits the use of the 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 that sediment reduces the channel capacity of floodplains and natural depressions, resulting in increased chances of flooding, at a risk to public health and safety;

WHEREAS, the Village President and Village Board of Trustees has further determined that development frequently increases drainage or flood hazards due to increased storm water runoff, which requires that measures be taken to protect human life and health from the hazards of increased flooding and to preserve the natural hydrological and hydraulic functions of watercourses.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

ARTICLE I—PURPOSE

The President and Board of Trustees therefore declare that the purpose of this ordinance 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 Village or that impacts drainage or storm water runoff. It is the intention of this ordinance that the delivery of sediment from sites affected by land disturbing activities be limited, as closely as practical, to that which would have occurred if the land had been left in its natural undisturbed state, and that appropriate measures be taken to reduce drainage or flood hazards.

ARTICLE II—GENERAL PROVISIONS

2.01. Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adjacent lands means surrounding land that may either impact a site, or be impacted by potential soil erosion, sediment, and/or stormwater run-off as a result of land disturbing activities conducted on a site, and at a minimum is an area within 50 feet of the site.

Areas of concentrated flow or bodies of water means any area where water may accumulate or flow, whether continual or as the result of a storm event, including but not limited to lakes, rivers, streams, creeks, ponds, ditches, swales, gullies, ravines, street gutters and other similar features.

Building official means the inspections manager for the Village of Bellevue.

Commission means the tri-county regional planning commission.

Control measure means any proposed temporary or permanent measures to be installed to control erosion, sediment and stormwater run-off from a project area.

Development means the division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Disturbed area means any area of land on which the pre-development ground surface will be affected or altered by the development activities. This includes but is not limited to grading, clearing, stock piling, tracking and other similar activities.

Erosion control administrator means the person appointed by the Village to administer this Ordinance.

Flood insurance rate maps (FIRM) means maps prepared by the Federal Emergency Management Agency (FEMA) that depict the special flood hazard areas (SFHA) within a community. These maps include insurance rate zones and floodplains and may or may not depict floodways.

Five-year frequency storm event means the storm event rainfall depth during a 24-hour period which is exceeded, on the average, once every five years.

Institutional use means a religious, or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure or land used for public purpose.

Land disturbing activity means any change in land, which may result in soil erosion from water or wind and the movement of sediments into state, county or Village waters or lands, or a change in the amount and/or intensity of stormwater run-off,

including but not limited to, the covering with an impervious surface, stockpiling, clearing, grading, excavating, rehabilitating, transporting, depositing or filling of land.

Normal agricultural practices means activities associated with the preparation and tiling [tilling] of land for the purposes of growing crops, or raising livestock, which may include, but are not limited to, the construction of conservation measures, plowing, disking, and cultivating.

Perimeter control means any control measure installed between the down slope side of the disturbed area and the property line and/or between the down slope side of the disturbed area and any area of concentrated flow.

Pre-project condition means a condition that impacts erosion, sediment, or stormwater runoff characteristics of a site prior to start of construction activity. The pre-project condition shall be based on the predominant land use for the past five years. For example, if a site has been cropland for four of the past five years, and in grass just prior to development, the land use would be cropland for the pre-project condition.

Project means any development involving modification to land which involves a land disturbing activity.

Regional stormwater management system means a system which is designed, constructed and maintained to provide stormwater control for multiple land owners.

Road means any right-of-way that has been improved for the purposes of providing a surface for vehicular traffic, including any federal, state, county, township, and municipal controlled facilities.

Single-family dwelling means a building designed for or occupied by one family.

Site means the lot or parcel on which the project is to be developed.

Standards means the Illinois Environmental Protection Agency's Illinois Urban Manual, A Technical Manual Designed for Urban Ecosystem Protection and Enhancement published in 1995 and Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control published in 1988 by the Urban Committee of the Association of Illinois Soil and Water Conservation Districts, now in effect, or as hereafter amended which is incorporated by reference herein, the Standards for Stormwater Design Analyses, found at Attachment "A" of this Ordinance, and the erosion and sediment control criteria and specifications found in Attachment "B" of this Ordinance.

Standard plan means a general erosion and sediment control permit for projects where the slope is less than ten percent and there are no areas of concentrated flow or bodies of water on or immediately adjacent to the site. Slope shall be determined by the maximum slope indicated on the site according to the USDA Soil Survey or topographic survey as prepared by an Illinois Registered Surveyor.

Twenty-five-year frequency storm event means the storm event rainfall depth during a 24-hour period which is exceeded, on the average, once every 25 years.

Two-family dwelling means a building designed for or occupied by two families.

Two-year frequency storm event means the storm event rainfall depth during a 24-hour period which is exceeded, on the average, once every two years

Utility service line means the means by which utility service is provided to service users, such as electric, telephone and television cable, or gas, water and sewer pipes.

Village means the Village of Bellevue, Illinois.

Working day means days other than Saturday, Sunday, or any holiday when the Bellevue Village Hall is closed.

2.02. Applicability. This Ordinance shall apply to:

(1) All projects within the limits of the Village. No land surface shall be disturbed unless an erosion and sediment control permit, or an erosion, sediment and storm water control permit, has first been issued for that project, except as follows:

- a. Land disturbing activities which do not involve the construction of any new single or two-family dwellings and for which the disturbed area is less than 5,000 square feet; or
- b. Normal agricultural practices; or
- c. Routine maintenance of roads and utility service lines.

The Village reserves the right to require any non-agricultural construction development activity, regardless of disturbed area or type of activity, to comply with this Ordinance if it is determined to be the cause of, or a contributor to, an existing or potential erosion, sediment, or stormwater impact.

(2) Any land within the limits of the Village on which there is located a permanent storm water control measure that was installed pursuant to this Ordinance.

2.03. Standards for design and maintenance of control measures for soil erosion, sediment and stormwater.

(a) *Erosion and sediment control measures.* All control measures required under this Ordinance shall conform to the design criteria, standards, and specifications provided in the applicable standards referenced in Attachment "B", now in effect or as hereafter amended. All control measures installed shall be sufficient to prevent sediment from leaving the permit site during a five-year frequency storm event. Measures shall be taken to prevent sediment from leaving the site. When sediment does leave the site, the owner, developer or contractor shall remove the sediment within four hours, or by no later than the end of the work day. For example, installing a rock construction drive, or cleaning tires could be used to minimize tracking of sediment onto public roads.

(b) *Permanent stormwater control measures.* All stormwater controls shall be designed so that the peak discharge rate from the permitted area resulting from the two-year and twenty-five-year frequency storm events for the post-project condition do not

exceed the corresponding storm event peak discharges for the pre-project condition or a cropland equivalent of curve number = 75, Manning n-value = 0.17, whichever is less. Evaluation of submitted plans shall be based on the stormwater design analyses standards in Attachment "A."

(c) *Regional stormwater control systems.* To allow for the beneficial development and maintenance of regional stormwater management systems, where they are available and they are appropriate, an applicant may submit a design dependent on such a system. The applicant shall submit documentation of the approval for the use of the regional storm water management facility from the governmental agency having jurisdiction over it. The applicant shall submit evidence showing that there will be no adverse flooding impact to any receiving stream between the point of discharge and the regional stormwater facility. If the applicant is approved to use the regional stormwater management system, the applicant may request exemption from the requirements in this section for permanent on site stormwater controls from the erosion control administrator. Such exemption shall not apply to any temporary stormwater control measures required by this Ordinance.

2.04. Maintenance of control measures.

(a) *Erosion, sediment, and temporary stormwater control measures.* On-site sediment control measures shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

Sediment control measures and temporary stormwater control measures are to be maintained so they are operating effectively until permanent ground surface protection and permanent stormwater control measures are established in a manner specified in the applicable permit issued pursuant to this Ordinance.

Fully functioning temporary sediment control measures (including, but not limited to perimeter sediment controls) shall remain in place until the ground is stabilized with permanent ground cover. The intent of the Ordinance is to keep the sites protected at all times until the ground is permanently stabilized. In cases where it is not practical to leave the temporary sediment control measures in place prior to establishing permanent ground cover (for example when control measures need to be removed in order to grade the area or install pavement or sod), an exception will be made only if one of the conditions below will be met. In no way does adhering to one of the conditions below relieve the owner of responsibility to clean-up or repair any damages caused from sediment or stormwater run-off leaving the site.

(1) Permanent ground cover shall be established with pavement, aggregate or sod within three days of the removal of sediment barriers.

(2) Permanent vegetation shall be established by seeding with anchored mulch within three days of removal of sediment barriers during the spring or fall seeding periods. However, on project areas with slopes not exceeding five percent, permanent vegetation shall be established by seeding within three days of the removal of sediment barriers during the spring or fall seeding periods. Summer seeding is acceptable on project areas which shall be watered. This does not apply to concentrated flow areas.

(b) *Additional control measures.* The Village may require additional control measures pursuant to the standards if determined as necessary after site inspection.

2.05. Retrofitting presently developed sites. In instances where the project involves a presently developed site, the applicant may request an exemption from fully complying with the stormwater control requirements. The Village shall determine the type and extent of compliance required based on existing and proposed site conditions, and the impact of stormwater runoff on the surrounding area. This exemption will only be granted in cases where the proposed condition of the site will not be significantly different from the existing condition as determined by the Village. The purpose of this section is to allow for alterations to presently developed sites without a major redesign of the existing (or non-existing) stormwater system, while assuring that all projects will be moving closer to compliance with the stormwater control requirements of this Ordinance.

ARTICLE III—GENERAL EROSION AND SEDIMENT CONTROL PERMITS

3.01. Permit required. Before commencing any project involving construction of any new single- or two-family dwelling or commencing any project with an area of between 5,000 square feet and one-half (1/2) acre, the owner of the land, or his/her authorized representative, shall be required to file an application for a general erosion and sediment control permit, as either a standard plan or site specific plan, except as otherwise provided in section 2.02 and section 4.01.

3.02. Application. The applicant shall file the application with the Village on forms provided by the Village. The fee for a standard plan application shall be in the amount of \$100.00 for each permit, and the fee for a site-specific plan application shall be \$150.00 for each permit. However, no fee shall be required for any project the purpose of which is agricultural, or initiated by a local unit of government. There shall be no refund of any fees paid and no application shall be accepted for filing unless the fee has been paid in full.

3.03. Application review. Review of a general erosion and sediment control permit application shall be limited to verifying that the required information and permit fee have been provided and that it meets the standards, and that it conforms to any erosion and sediment control permit or erosion, sediment and stormwater control permit that may have been issued for an area encompassing this site. The Village shall not take any action on a request until a complete application is received by the Village. Upon receipt of a complete application, the Village shall either issue or deny the permit, or initiate the review process for a site-specific plan. If the permit is denied, it shall be returned to the applicant with a written explanation of its denial.

3.04. Duration. The general erosion and sediment control permit shall be issued for a period that is the same as the building permit for the project. If the project does not require a building permit, the general erosion control permit shall be issued for a period not exceeding two years.

3.05. **Content of general erosion and sediment control permit.** The general erosion and sediment control permit shall contain at a minimum the following general conditions:

- (1) That written approval be obtained from the Village prior to making any modification to the erosion and sediment control plan as set forth in the application; and
- (2) That all control measures identified in the application shall be installed; and
- (3) That all control measures shall be maintained during construction; and
- (4) Such other conditions as the Village deems appropriate to ensure compliance with the specific requirements and intent of this Ordinance.

3.06. **Permanent ground surface cover.** Permanent ground surface cover must be established pursuant to the Village zoning ordinance and policies of the Village. Under all circumstances, temporary control measures shall be maintained in accordance with section 2.04.

ARTICLE IV—EROSION, SEDIMENT AND STORMWATER CONTROL PERMITS

4.01. **Permit required.** Before commencing any commercial, institutional, multi-family or industrial project with an area of more than one-half acre; or a project requiring subdivision approval by a unit of local government with an area of more than one-half acre, the owner of the land, or his/her authorized representative, shall be required to file an application for an erosion, sediment, and stormwater control permit.

4.02. **Application.** The applicant shall file the application with the Village on forms provided by the Village. The applicant shall supply the number of copies of application documents as provided in the application. Each application shall be accompanied by the following information:

- (1) *Existing site conditions map.* A map of existing site conditions on a scale, of at least one inch equals 100 feet, showing the site and immediately adjacent areas and the locations of the following site information:
 - a. Site boundaries and adjacent lands which accurately identify site location; and
 - b. Lakes, streams, wetlands, channels, ditches, and other water courses on and immediately adjacent to the site; and
 - c. Floodways and/or Zone "A" of the floodplain as determined on the flood insurance rate map (FIRM), and indicating the map panel number; and
 - d. All off-site drainage onto or through the site; and
 - e. Location and dimensions of stormwater management systems on or adjacent to the site; and
 - f. Locations and dimensions of structures, roads, highways, easements and paved areas; and
 - g. Site topography: show contours at vertical intervals as follows:

1. Slope of six percent or less, two-foot intervals.
2. Slope of over six percent but less than 15 percent, five-foot intervals.
3. Slope of over 15 percent, ten- or 20-foot intervals.

(2) *Plan of final site conditions.* A plan of final site conditions drawn to the same scale as the existing site map submitted pursuant to section 4.02(1), and which includes information to accurately depict post-construction appearance of the site, e.g., paved areas, buildings, landscaping, and other changes to the site, along with other predominate site features, e.g., open areas, bodies of water.

- (3) *Sediment and erosion control practices.* A site construction plan including:
- a. Locations and dimensions of all proposed land disturbing activities; and
 - b. Anti-erosion measures for all temporary soil and aggregate stockpiles; and
 - c. Location, dimension and construction details of all construction site management control measures necessary to meet the requirements of this Ordinance and including proposed revegetation of disturbed areas; and
 - d. Statement regarding provisions for maintenance and maintenance requirements of the construction site management control measures during construction.

(4) *Stormwater management plans and controls.* Design calculations and information related to the permanent stormwater management system for any project with a net increase of impervious area greater than one-half of an acre. For the purposes of this section the net increase is the cumulative change since the implementation of this Ordinance. For example, in year one, a commercial site increases the parking lot by 20,000 square feet. In year two, the same commercial site adds a building with an area of 20,000 square feet. In year 1, no permanent stormwater control measures (or calculations) are required by this Ordinance. In year 2, stormwater calculations shall be submitted and shall be based on the total increase of 40,000 square feet of impervious area. The following information shall also be provided by the applicant:

- a. A map showing the drainage area divides, including off-site drainage areas that drain into the site; and
- b. Location and identification of soil types for entire watershed; and
- c. Location and identification of vegetative cover for entire watershed; and
- d. Run-off-curve number calculations for both pre- and post-project conditions for all subwatersheds; and
- e. Time of concentration calculations for both pre- and post-project conditions for all subwatersheds, and include a map showing hydraulic flow lengths used; and

- f. Peak flow-rate calculations for two-year and 25-year storms for both pre- and post-project conditions; and
- g. Design calculations for detention basin outlets for both two-year and 25-year storms, include stage-storage table and discharge rating curve data or outflow calculations (refer to optional form in Attachment "A"); and
- h. Location, dimensions, and construction details of proposed detention basins and outlets; and
- i. Detention volume calculations; and
- j. Summary of peak flow-rates for pre-, post-, and proposed conditions with detention showing that the requirements of this Ordinance are met (refer to Attachment "A").

(5) Schedule or sequence of development or installation of the elements of the site management control measures proposed above.

(6) A detailed estimate of quantities and estimated costs, prepared by a registered professional engineer, of all control measures required under this section.

(7) A plan of the continued management and maintenance of such permanent control measures.

(8) *Application fee.* An application fee shall be submitted at the time of application. The fee shall be in the amount of \$50.00 per acre with a minimum fee of \$250.00 and a maximum fee of \$2,000.00. However, no fee shall be required for any project the purpose of which is agricultural.

A fractional acre shall be rounded to the nearest whole acre. There shall be no refund of any fees paid and no application shall be accepted for filing unless the fee has been paid in full.

4.03. Application review. After submittal of a complete application, the Village shall respond in writing to the sediment and erosion control practices portion by either issuing a permit, issuing a request for additional information, or issuing a statement denying the permit with an explanation of cause. The aforementioned response shall also be made for the stormwater management plans and control portion, but shall not be required at the same time as the aforementioned response.

4.04. Security agreement. The developer of any subdivision shall be required to furnish surety for 100 percent of the costs of the permanent erosion control measures. Projects required to obtain building permits from the Village shall not be required to furnish surety, however, no certificate of occupancy shall be issued until the permanent erosion control measures, excluding permanent ground surface cover as stated in section 3.06, are installed and approved by the Village.

4.05. Duration. The erosion, sediment and stormwater control permit shall be issued for a period equal to that of the building permit. Projects not requiring a building permit shall have the individual erosion control permit be issued for a period not exceeding two years.

4.06. Permit conditions. The erosion, sediment and stormwater control permit shall contain at a minimum the following general conditions:

- (1) That written approval be obtained from the erosion control administrator prior to making any modification to the approved erosion and sediment control plan as set forth in the permit; and
- (2) That all control measures required in the permit shall be installed; and
- (3) That all control measures shall be maintained during construction; and
- (4) Such other conditions as the erosion control administrator deems appropriate.

4.07. Permanent ground surface cover. Permanent ground surface cover must be established pursuant to the Village zoning ordinance and policies of the Village.

4.08. Final inspection—Notice of permanent stormwater control measures. Upon completion of the permanent stormwater control measures, the applicant shall notify the Village that the permanent stormwater control measures are ready for final inspection. If the inspection shows that the control measures and maintenance plan comply with the standards in Attachment "A" of this Ordinance, the erosion control administrator shall issue a notice of permanent stormwater control measures to the building official. Said certificate of occupancy shall not be issued until this notice is issued. In the case of subdivisions, said notice of permanent stormwater control measures shall be issued to the applicant.

ARTICLE V—MAINTENANCE OF PERMANENT STORMWATER CONTROL MEASURES

5.01. Maintenance. Anyone owning property with a permanent stormwater control measure existing thereon and installed pursuant to this Ordinance shall maintain the control measure so that it functions in compliance with the standards.

ARTICLE VI—ENFORCEMENT AND PENALTY

6.01. Enforcement. This Ordinance shall be administered and enforced by the erosion control administrator, who shall make or cause to be made, periodic inspections of all work authorized by permits issued in accordance with this Ordinance to ensure that said construction is in compliance with the provisions of the same, the erosion control administrator shall make or cause to be made, investigations of violations of this Ordinance and shall cause any violations to be corrected.

Any permit issued pursuant to this Ordinance shall be revoked by the erosion control administrator when it is found from personal inspection or from competent evidence that the rules, regulations or standards under which said permit was issued are being violated.

6.02. **Penalty.** The violation of any of the terms of this Ordinance shall constitute an offense punishable by a fine not to exceed \$500.00, with each day the violation remains uncorrected constituting a separate offense. Such fine is in addition to any other remedy provided by law.

6.03. **Stop work order fee.** The violation of any of the terms of this Ordinance may result in the posting of a stop work order for the project. If such stop work order is posted, a fee of \$100.00 per violation shall be charged.

ARTICLE VII—SEVERABILITY

7.01. **Severability.** The provisions and sections of this Ordinance shall be deemed severable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

ARTICLE VIII—EFFECTIVE DATE

8.01. **Effective date.** This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as is hereby authorized to be done by the President and Board of Trustees

PASSED AND APPROVED THIS 13th DAY OF FEBRUARY, 2006.

6 AYES

0 NAYS

0 ABSENT

VILLAGE OF BELLEVUE, ILLINOIS

By: Ralph E. Wilson
Ralph E. Wilson, President

Attest: Carol A. Howard
Carol A. Howard, Village Clerk