

CHAPTER 8
STORMWATER MANAGEMENT

Adopted by Ordinance 2004-153
Amended by Ordinance 2005-102

- 8.01 McHenry County Stormwater Management Ordinance Adopted
- 8.02 Modifications to the McHenry County Stormwater Management Ordinance
- 8.03 Certification of the City
- 8.04 Exempt Developments
- 8.05 Fees

8.01 McHENRY COUNTY STORMWATER MANAGEMENT ORDINANCE ADOPTED

Subject to the modifications set forth in Section 8.02 herein, the McHenry County Stormwater Management Ordinance ("MCSMO"), including any future amendments, is hereby adopted by reference and made a part of this Section 8.01, and shall take effect on January 1, 2005.

8.02 MODIFICATIONS TO THE McHENRY COUNTY STORMWATER MANAGEMENT ORDINANCE

A. Definitions: The following words and phrases in the provisions of the MCSMO shall mean the following words and phrases in this Chapter 8:

McHenry County Stormwater Management Ordinance Words and Phrases	Chapter 8 Words and Phrases
Enforcement officer	Building Official (City Engineer shall perform the engineering and wetland reviews)
Municipality	City of Harvard
Ordinance	Chapter 8 of the Harvard Municipal Code

B. Amendments: The following sections of the provisions of the MCSMO shall be amended to include the deletions (shown in strikeout) and additions (shown as underlined text, except section titles):

ARTICLE I. AUTHORITY AND PURPOSE

A. AUTHORITY

This Ordinance is enacted pursuant to the powers granted to

~~the City McHenry County by 55 ILCS 5/5-1041, 1042, 1049, 1062, 1063, 1104, 12003 and 15001 et seq., (County) and by 65 ILCS 5, Sections 1-2-1, 11-12-12, 11-30-8, 11-30-2, 11-31-2, and 615 ILCS 5, Sections 5 et seq., including 18g (1994 State Bar Edition most current edition, as amended). The administration and enforcement of this Ordinance shall be performed by:~~

1. Certified communities, within their respective jurisdictions; and,
2. The Stormwater Committee, its consultants, agents or employees in both incorporated and unincorporated areas of McHenry County.

ARTICLE III. PROCEDURE AND ENFORCEMENT

- A. Certification Criteria; this subsection is deleted in its entirety.
- B. Certification Process; this subsection is deleted in its entirety.
- C. Committee Review of Performance; this subsection is deleted in its entirety.
- D. Enforcement and Records
 5. The Enforcement Officer may require deed restrictions, performance bonds or sureties, as-built certification or maintenance guarantees as stipulated in this ordinance to assure projects are built and maintained according to permitted plans. The amount of such performance bond, surety or other such security shall be up to 150 percent, but not less than 110 percent, of the estimated cost to complete construction of the stormwater management system as required by the stormwater management permit. The estimated probable cost shall be signed and sealed by a Registered Professional Engineer and approved by the Enforcement Officer. An additional performance bond, security or surety shall not be required for the stormwater management system by another community provided that a copy of both the estimate of probable cost and bond, surety, or security is submitted to MCSC.

ARTICLE IV. GENERAL PROVISION AND JURISDICTION

- A. Regulated Development
(new paragraph)
 10. Any land disturbing activity that results from or is associated with any building construction or demolition

permit issued by the Certified Community.

ARTICLE IV. GENERAL PROVISION AND JURISDICTION

B. Exempted Development

5. A development is not subject to the provisions of this Ordinance if the following approvals were issued prior to ~~June 1, 2004~~ January 1, 2005, provided that the development is completed within 5 years of the approval:

ARTICLE VI. APPLICATION REQUIREMENTS

A. Application Requirements for Minor Developments

3. A grading plan to a scale not less than 1 inch to 100 feet (1"=100') showing proposed and existing contours at 1 foot intervals. The information for the existing contours shall extend 100 feet beyond the site boundary unless waived by the Enforcement Officer.

ARTICLE VII. VARIANCES AND APPEALS

A. VARIANCES

The ~~Enforcement Officer~~ City Council, upon application, after public hearing, and subject to the process and standards that follow, may grant variances to the provisions of this Ordinance as will not cause detriment to the public good, safety or welfare, nor be contrary to the spirit, purpose and intent of this Ordinance where, by reason of unique and exceptional physical circumstances or condition of a particular property, the literal enforcement of the provisions of this Ordinance would result in an unreasonable hardship.

ARTICLE XIII. AMENDMENTS

~~No amendment to this Ordinance may be passed without a public hearing first being held before the Committee upon notice being published.~~

~~Unless otherwise provided herein, publication of any notice or other instrument under this ordinance shall be made by publishing such notice or other instrument once in a newspaper published within the community having jurisdiction over the matter to which the publication relates (or, if no newspaper is published within the community, then a newspaper published in the County and having a general circulation within the community), such publication being not less than 15 nor more than 30 days before the hearing or other event to which the publication relates.~~

The Certified Community may from time to time make local amendments to the MCSMO as determined to be appropriate and necessary to better achieve the goals and objectives and to protect the health and welfare of the community. Such amendments shall require the approval of the MCSC or the MCSC chief engineer prior to passage and approval by the Certified Community, and such amendments that apply only to the Certified Community may be made without further public hearing and without further public notice.

The Certified Community shall, upon notice from the County, review any amendments made by the MCSC to the MCSMO, and upon finding that such amendments further the objective of providing a consistent level of flood protection throughout the community and are more restrictive than the current regulations, adopt such County amendments without further notice or public hearing.

ARTICLE XIV. EFFECTIVE DATE

The effective date of ~~this~~ the McHenry County Stormwater Management Ordinance shall be January ~~120~~, ~~2005-2004~~.

8.03 CERTIFICATION OF THE CITY

This Chapter 8 shall remain in effect so long as the City is a "Certified Community" pursuant to the MCSMO, as amended.

8.04 EXEMPT DEVELOPMENTS

A listing of the development exempt from the requirements of this Chapter 8 shall be on file with the Building and Zoning Department.

8.05 FEES

The following fees shall be paid to the City prior to the issuance of any permit required by this Chapter 8.

Minor Development which includes any land disturbing activity that results from or is associated with any building construction or demolition permit issued by the Certified Community: