



Rep. Mike Fortner

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10000HB2756ham001

LRB100 10268 AWJ 25344 a

1 AMENDMENT TO HOUSE BILL 2756

2 AMENDMENT NO. _____. Amend House Bill 2756 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Sections 5-1062, 5-1062.2, and 5-1062.3 as follows:

6 (55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)

7 Sec. 5-1062. Stormwater management.

8 (a) The purpose of this Section is to allow management and
9 mitigation of the effects of urbanization on stormwater
10 drainage in metropolitan counties located in the area served by
11 the Chicago Metropolitan Agency for Planning ~~Northeastern~~
12 ~~Illinois Planning Commission~~, and references to "county" in
13 this Section shall apply only to those counties. This Section
14 shall not apply to any county with a population in excess of
15 1,500,000, except as provided in subsection (c). The purpose of
16 this Section shall be achieved by:

1 (1) consolidating the existing stormwater management
2 framework into a united, countywide structure;

3 (2) setting minimum standards for floodplain and
4 stormwater management with an emphasis on the use of
5 cost-effective, nature-based solutions to flooding
6 problems, including, but not limited to, solutions that
7 restore or enhance the natural hydrologic cycle by
8 increasing infiltration, evapotranspiration, and the
9 collection of runoff for reuse as appropriate considering
10 the local conditions that as a byproduct also results in
11 improved water conditions; and

12 (3) preparing a countywide plan for the management of
13 stormwater runoff, including the management of natural and
14 man-made drainageways. The countywide plan may incorporate
15 watershed plans and shall evaluate and address flooding
16 problems that exist in urbanized areas that are a result of
17 urban flooding.

18 (b) A stormwater management planning committee shall be
19 established by county board resolution, with its membership
20 consisting of equal numbers of county board and municipal
21 representatives from each county board district, and such other
22 members as may be determined by the county and municipal
23 members. However, if the county has more than 6 county board
24 districts, the county board may by ordinance divide the county
25 into not less than 6 areas of approximately equal population,
26 to be used instead of county board districts for the purpose of

1 determining representation on the stormwater management
2 planning committee.

3 The county board members shall be appointed by the chairman
4 of the county board. Municipal members from each county board
5 district or other represented area shall be appointed by a
6 majority vote of the mayors of those municipalities which have
7 the greatest percentage of their respective populations
8 residing in such county board district or other represented
9 area. All municipal and county board representatives shall be
10 entitled to a vote; the other members shall be nonvoting
11 members, unless authorized to vote by the unanimous consent of
12 the municipal and county board representatives. A municipality
13 that is located in more than one county may choose, at the time
14 of formation of the stormwater management planning committee
15 and based on watershed boundaries, to participate in the
16 stormwater management planning program of either or both of the
17 counties. Subcommittees of the stormwater management planning
18 committee may be established to serve a portion of the county
19 or a particular drainage basin that has similar stormwater
20 management needs. The stormwater management planning committee
21 shall adopt by-laws, by a majority vote of the county and
22 municipal members, to govern the functions of the committee and
23 its subcommittees. Officers of the committee shall include a
24 chair and vice chair, one of whom shall be a county
25 representative and one a municipal representative.

26 The principal duties of the committee shall be to develop a

1 stormwater management plan for presentation to and approval by
2 the county board, and to direct the plan's implementation and
3 revision. The committee may retain engineering, legal and
4 financial advisors and inspection personnel. The committee
5 shall meet at least quarterly and shall hold at least one
6 public meeting during the preparation of the plan and prior to
7 its submittal to the county board. The committee may make
8 grants to: (1) units of local government; (2) not-for-profit
9 organizations; and (3) landowners. In order for a municipality
10 located partially or wholly within a mapped floodplain to
11 receive grant moneys, the municipality must be a member in the
12 Federal Emergency Management Agency's National Flood Insurance
13 Program. A municipality receiving grant moneys must have
14 adopted an ordinance requiring actions consistent with the
15 stormwater management plan. Use of the grant moneys must be
16 consistent with the stormwater management plan.

17 (c) In the preparation of a stormwater management plan, a
18 county stormwater management planning committee shall
19 coordinate the planning process with each adjoining county to
20 ensure that recommended stormwater projects will have no
21 significant impact on the levels or flows of stormwaters in
22 inter-county watersheds or on the capacity of existing and
23 planned stormwater retention facilities. An adopted stormwater
24 management plan shall identify steps taken by the county to
25 coordinate the development of plan recommendations with
26 adjoining counties.

1 (d) (Blank).

2 (e) Prior to recommending the plan to the county board, the
3 stormwater management planning committee shall hold at least
4 one public hearing thereon and shall afford interested persons
5 an opportunity to be heard. The hearing shall be held in the
6 county seat. Notice of the hearing shall be published at least
7 once no less than 15 days in advance thereof in a newspaper of
8 general circulation published in the county. The notice shall
9 state the time and place of the hearing and the place where
10 copies of the proposed plan will be accessible for examination
11 by interested parties. If an affected municipality having a
12 stormwater management plan adopted by ordinance wishes to
13 protest the proposed county plan provisions, it shall appear at
14 the hearing and submit in writing specific proposals to the
15 stormwater management planning committee. After consideration
16 of the matters raised at the hearing, the committee may amend
17 or approve the plan and recommend it to the county board for
18 adoption.

19 The county board may enact the proposed plan by ordinance.
20 If the proposals for modification of the plan made by an
21 affected municipality having a stormwater management plan are
22 not included in the proposed county plan, and the municipality
23 affected by the plan opposes adoption of the county plan by
24 resolution of its corporate authorities, approval of the county
25 plan shall require an affirmative vote of at least two-thirds
26 of the county board members present and voting. If the county

1 board wishes to amend the county plan, it shall submit in
2 writing specific proposals to the stormwater management
3 planning committee. If the proposals are not approved by the
4 committee, or are opposed by resolution of the corporate
5 authorities of an affected municipality having a municipal
6 stormwater management plan, amendment of the plan shall require
7 an affirmative vote of at least two-thirds of the county board
8 members present and voting.

9 (f) The county board may prescribe by ordinance reasonable
10 rules and regulations for floodplain or stormwater management
11 and for governing the location, width, course and release rate
12 of all stormwater runoff channels, streams and basins in the
13 county, in accordance with the adopted stormwater management
14 plan. These rules and regulations shall, at a minimum, meet the
15 standards for floodplain management established by the Office
16 of Water Resources and the requirements of the Federal
17 Emergency Management Agency for participation in the National
18 Flood Insurance Program.

19 (g) In accordance with, and if recommended in, the adopted
20 stormwater management plan, the county board may adopt a
21 schedule of fees as may be necessary to mitigate the effects of
22 increased stormwater runoff resulting from new development.
23 The fees shall not exceed the cost of satisfying the onsite
24 stormwater retention or detention requirements of the adopted
25 stormwater management plan. The fees shall be used to finance
26 activities undertaken by the county or its included

1 municipalities to mitigate the effects of urban stormwater
2 runoff by providing regional stormwater retention or detention
3 facilities, as identified in the county plan. All such fees
4 collected by the county shall be held in a separate fund, and
5 shall be expended only in the watershed within which they were
6 collected.

7 (h) For the purpose of implementing this Section and for
8 the development, design, planning, construction, operation and
9 maintenance of stormwater facilities provided for in the
10 stormwater management plan, a county board that has established
11 a stormwater management planning committee pursuant to this
12 Section may cause an annual tax of not to exceed 0.20% of the
13 value, as equalized or assessed by the Department of Revenue,
14 of all taxable property in the county to be levied upon all the
15 taxable property in the county. The tax shall be in addition to
16 all other taxes authorized by law to be levied and collected in
17 the county and shall be in addition to the maximum tax rate
18 authorized by law for general county purposes. The 0.20%
19 limitation provided in this Section may be increased or
20 decreased by referendum in accordance with the provisions of
21 Sections 18-120, 18-125, and 18-130 of the Property Tax Code.

22 Any revenues generated as a result of ownership or
23 operation of facilities or land acquired with the tax funds
24 collected pursuant to this subsection (h) shall be held in a
25 separate fund and be used either to abate such property tax or
26 for implementing this Section.

1 -----
2 (i) Upon the creation and implementation of a county
3 stormwater management plan, the county may petition the circuit
4 court to dissolve any or all drainage districts created
5 pursuant to the Illinois Drainage Code or predecessor Acts
6 which are located entirely within the area of the county
7 covered by the plan.

8 However, any active drainage district implementing a plan
9 that is consistent with and at least as stringent as the county
10 stormwater management plan may petition the stormwater
11 management planning committee for exception from dissolution.
12 Upon filing of the petition, the committee shall set a date for
13 hearing not less than 2 weeks, nor more than 4 weeks, from the
14 filing thereof, and the committee shall give at least one
15 week's notice of the hearing in one or more newspapers of
16 general circulation within the district, and in addition shall
17 cause a copy of the notice to be personally served upon each of
18 the trustees of the district. At the hearing, the committee
19 shall hear the district's petition and allow the district
20 trustees and any interested parties an opportunity to present
21 oral and written evidence. The committee shall render its
22 decision upon the petition for exception from dissolution based
23 upon the best interests of the residents of the district. In
24 the event that the exception is not allowed, the district may
25 file a petition within 30 days of the decision with the circuit
26 court. In that case, the notice and hearing requirements for

1 the court shall be the same as herein provided for the
2 committee. The court shall likewise render its decision of
3 whether to dissolve the district based upon the best interests
4 of residents of the district.

5 The dissolution of any drainage district shall not affect
6 the obligation of any bonds issued or contracts entered into by
7 the district nor invalidate the levy, extension or collection
8 of any taxes or special assessments upon the property in the
9 former drainage district. All property and obligations of the
10 former drainage district shall be assumed and managed by the
11 county, and the debts of the former drainage district shall be
12 discharged as soon as practicable.

13 If a drainage district lies only partly within a county
14 that adopts a county stormwater management plan, the county may
15 petition the circuit court to disconnect from the drainage
16 district that portion of the district that lies within that
17 county. The property of the drainage district within the
18 disconnected area shall be assumed and managed by the county.
19 The county shall also assume a portion of the drainage
20 district's debt at the time of disconnection, based on the
21 portion of the value of the taxable property of the drainage
22 district which is located within the area being disconnected.

23 The operations of any drainage district that continues to
24 exist in a county that has adopted a stormwater management plan
25 in accordance with this Section shall be in accordance with the
26 adopted plan.

1 (j) Any county that has adopted a county stormwater
2 management plan under this Section may, after 10 days written
3 notice to the owner or occupant, enter upon any lands or waters
4 within the county for the purpose of inspecting stormwater
5 facilities or causing the removal of any obstruction to an
6 affected watercourse. The county shall be responsible for any
7 damages occasioned thereby.

8 (k) Upon petition of the municipality, and based on a
9 finding of the stormwater management planning committee, the
10 county shall not enforce rules and regulations adopted by the
11 county in any municipality located wholly or partly within the
12 county that has a municipal stormwater management ordinance
13 that is consistent with and at least as stringent as the county
14 plan and ordinance, and is being enforced by the municipal
15 authorities.

16 (l) A county may issue general obligation bonds for
17 implementing any stormwater plan adopted under this Section in
18 the manner prescribed in Section 5-1012; except that the
19 referendum requirement of Section 5-1012 shall not apply to
20 bonds issued pursuant to this Section on which the principal
21 and interest are to be paid entirely out of funds generated by
22 the taxes and fees authorized by this Section.

23 (m) The powers authorized by this Section may be
24 implemented by the county board for a portion of the county
25 subject to similar stormwater management needs.

26 (n) The powers and taxes authorized by this Section are in

1 addition to the powers and taxes authorized by Division 5-15;
2 in exercising its powers under this Section, a county shall not
3 be subject to the restrictions and requirements of that
4 Division.

5 (o) Pursuant to paragraphs (g) and (i) of Section 6 of
6 Article VII of the Illinois Constitution, this Section
7 specifically denies and limits the exercise of any power which
8 is inconsistent herewith by home rule units in any county with
9 a population of less than 1,500,000 in the area served by the
10 Chicago Metropolitan Agency for Planning ~~Northeastern Illinois~~
11 ~~Planning Commission~~. This Section does not prohibit the
12 concurrent exercise of powers consistent herewith.

13 (p) As used in this Section:

14 "Urban flooding" means the flooding of public and private
15 land in urban communities that results from stormwater or
16 snowmelt runoff overwhelming the existing drainage
17 infrastructure, unrelated to the overflow of any river or lake,
18 whether or not that land is located in or near a floodplain.

19 "Urbanized areas" means a statistical geographic entity
20 consisting of a densely settled core created from census tracts
21 or blocks and contiguous qualifying territory that together
22 have a minimum population of at least 50,000 persons and has
23 been delineated as an urbanized area by the United States
24 Census Bureau after the most recent decennial census.

25 (Source: P.A. 97-916, eff. 8-9-12.)

1 (55 ILCS 5/5-1062.2)

2 Sec. 5-1062.2. Stormwater management.

3 (a) The purpose of this Section is to allow management and
4 mitigation of the effects of urbanization on stormwater
5 drainage in the metropolitan counties of Madison, St. Clair,
6 Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and Boone
7 as well as all counties containing all or a part of an
8 urbanized area and references to "county" in this Section apply
9 only to those counties. This Section does not apply to counties
10 in the Chicago Metropolitan Agency for Planning ~~Northeastern~~
11 ~~Illinois Planning Commission~~ that are granted authorities in
12 Section 5-1062. The purpose of this Section shall be achieved
13 by:

14 (1) Consolidating the existing stormwater management
15 framework into a united, countywide structure.

16 (2) Setting minimum standards for floodplain and
17 stormwater management, with an emphasis on the use of cost
18 effective, nature-based solutions to flooding problems,
19 including, but not limited to, solutions that restore or
20 enhance the natural hydrologic cycle by increasing
21 infiltration, evapotranspiration, and the collection of
22 runoff for reuse as appropriate considering the local
23 conditions that as a byproduct also results in improved
24 water conditions.

25 (3) Preparing a countywide plan for the management of
26 stormwater runoff, including the management of natural and

1 man-made drainageways. The countywide plan may incorporate
2 watershed plans and shall evaluate and address flooding
3 problems that exist in urbanized areas that are a result of
4 urban flooding.

5 (a-5) This Section also applies to all counties not
6 otherwise covered in Section 5-1062, 5-1062.2, or 5-1062.3 if
7 the question of allowing the county board to establish a
8 stormwater management planning council has been submitted to
9 the electors of the county and approved by a majority of those
10 voting on the question.

11 (b) A stormwater management planning committee may be
12 established by county board resolution, with its membership
13 consisting of equal numbers of county board and municipal
14 representatives from each county board district, drainage
15 district, and soil and water conservation district and such
16 other members as may be determined by the county and municipal
17 members. If the county has more than 6 county board districts,
18 however, the county board may by ordinance divide the county
19 into not less than 6 areas of approximately equal population,
20 to be used instead of county board districts for the purpose of
21 determining representation on the stormwater management
22 planning committee.

23 The county board members shall be appointed by the chairman
24 of the county board. Municipal members from each county board
25 district or other represented area shall be appointed by a
26 majority vote of the mayors of those municipalities that have

1 the greatest percentage of their respective populations
2 residing in that county board district or other represented
3 area. All municipal, ~~and~~ county board, drainage district, and
4 soil and water conservation district representatives shall be
5 entitled to a vote; the other members shall be nonvoting
6 members, unless authorized to vote by the unanimous consent of
7 the voting member of the committee; however, Madison, St.
8 Clair, Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and
9 Boone counties shall not have drainage district or soil and
10 water conservation ~~the municipal and county board~~
11 representatives. A municipality that is located in more than
12 one county may choose, at the time of formation of the
13 stormwater management planning committee and based on
14 watershed boundaries, to participate in the stormwater
15 management planning program of either or both of the counties.
16 Subcommittees of the stormwater management planning committee
17 may be established to serve a portion of the county or a
18 particular drainage basin that has similar stormwater
19 management needs. The stormwater management planning committee
20 shall adopt bylaws, by a majority vote of the county and
21 municipal members, to govern the functions of the committee and
22 its subcommittees. Officers of the committee shall include a
23 chair and vice chair, one of whom shall be a county
24 representative and one a municipal representative.

25 The principal duties of the committee shall be to develop a
26 stormwater management plan for presentation to and approval by

1 the county board, and to direct the plan's implementation and
2 revision. The committee may retain engineering, legal, and
3 financial advisors and inspection personnel. The committee
4 shall meet at least quarterly and shall hold at least one
5 public meeting during the preparation of the plan and prior to
6 its submittal to the county board. The committee may make
7 grants to: (1) units of local government; (2) not-for-profit
8 organizations; and (3) landowners. In order for a municipality
9 located partially or wholly within a mapped floodplain to
10 receive grant moneys, the municipality must be a member in the
11 Federal Emergency Management Agency's National Flood Insurance
12 Program. A municipality receiving grant moneys must ~~that~~ have
13 adopted an ordinance requiring actions consistent with the
14 stormwater management plan. Use ~~and to landowners for the~~
15 purposes of stormwater management, including special projects,
16 use of the grant money must be consistent with the stormwater
17 management plan.

18 The committee shall not have or exercise any power of
19 eminent domain.

20 (c) In the preparation of a stormwater management plan, a
21 county stormwater management planning committee shall
22 coordinate the planning process with each adjoining county to
23 ensure that recommended stormwater projects will have no
24 significant impact on the levels or flows of stormwaters in
25 inter-county watersheds or on the capacity of existing and
26 planned stormwater retention facilities. An adopted stormwater

1 management plan shall identify steps taken by the county to
2 coordinate the development of plan recommendations with
3 adjoining counties.

4 (d) The stormwater management committee may not enforce any
5 rules or regulations that would interfere with (i) any power
6 granted by the Illinois Drainage Code (70 ILCS 605/) to
7 operate, construct, maintain, or improve drainage systems or
8 (ii) the ability to operate, maintain, or improve the drainage
9 systems used on or by land or a facility used for production
10 agriculture purposes, as defined in the Use Tax Act (35 ILCS
11 105/), except newly constructed buildings and newly installed
12 impervious paved surfaces. Disputes regarding an exception
13 shall be determined by a mutually agreed upon arbitrator paid
14 by the disputing party or parties.

15 (e) Before the stormwater management planning committee
16 recommends to the county board a stormwater management plan for
17 the county or a portion thereof, it shall submit the plan to
18 the Office of Water Resources of the Department of Natural
19 Resources for review and recommendations. The Office, in
20 reviewing the plan, shall consider such factors as impacts on
21 the levels or flows in rivers and streams and the cumulative
22 effects of stormwater discharges on flood levels. The Office of
23 Water Resources shall determine whether the plan or ordinances
24 enacted to implement the plan complies with the requirements of
25 subsection (f). Within a period not to exceed 60 days, the
26 review comments and recommendations shall be submitted to the

1 stormwater management planning committee for consideration.
2 Any amendments to the plan shall be submitted to the Office for
3 review.

4 (f) Prior to recommending the plan to the county board, the
5 stormwater management planning committee shall hold at least
6 one public hearing thereon and shall afford interested persons
7 an opportunity to be heard. The hearing shall be held in the
8 county seat. Notice of the hearing shall be published at least
9 once no less than 15 days in advance of the hearing in a
10 newspaper of general circulation published in the county. The
11 notice shall state the time and place of the hearing and the
12 place where copies of the proposed plan will be accessible for
13 examination by interested parties. If an affected municipality
14 having a stormwater management plan adopted by ordinance wishes
15 to protest the proposed county plan provisions, it shall appear
16 at the hearing and submit in writing specific proposals to the
17 stormwater management planning committee. After consideration
18 of the matters raised at the hearing, the committee may amend
19 or approve the plan and recommend it to the county board for
20 adoption.

21 The county board may enact the proposed plan by ordinance.
22 If the proposals for modification of the plan made by an
23 affected municipality having a stormwater management plan are
24 not included in the proposed county plan, and the municipality
25 affected by the plan opposes adoption of the county plan by
26 resolution of its corporate authorities, approval of the county

1 plan shall require an affirmative vote of at least two-thirds
2 of the county board members present and voting. If the county
3 board wishes to amend the county plan, it shall submit in
4 writing specific proposals to the stormwater management
5 planning committee. If the proposals are not approved by the
6 committee, or are opposed by resolution of the corporate
7 authorities of an affected municipality having a municipal
8 stormwater management plan, amendment of the plan shall require
9 an affirmative vote of at least two-thirds of the county board
10 members present and voting.

11 (g) The county board may prescribe by ordinance reasonable
12 rules and regulations for floodplain or stormwater management
13 and for governing the location, width, course, and release rate
14 of all stormwater runoff channels, streams, and basins in the
15 county, in accordance with the adopted stormwater management
16 plan. Land, facilities, and drainage district facilities used
17 for production agriculture as defined in subsection (d) shall
18 not be subjected to regulation by the county board or
19 stormwater management committee under this Section for
20 floodplain management and for governing location, width,
21 course, maintenance, and release rate of stormwater runoff
22 channels, streams and basins, or water discharged from a
23 drainage district. These rules and regulations shall, at a
24 minimum, meet the standards for floodplain management
25 established by the Office of Water Resources and the
26 requirements of the Federal Emergency Management Agency for

1 participation in the National Flood Insurance Program. The
2 Commission may not impose more stringent regulations regarding
3 water quality on entities discharging in accordance with a
4 valid National Pollution Discharge Elimination System permit
5 issued under the Environmental Protection Act.

6 (h) In accordance with, and if recommended in, the adopted
7 stormwater management plan, the county board may adopt a
8 schedule of fees as may be necessary to mitigate the effects of
9 increased stormwater runoff resulting from new development
10 based on actual costs. The fees shall not exceed the cost of
11 satisfying the onsite stormwater retention or detention
12 requirements of the adopted stormwater management plan. The
13 fees shall be used to finance activities undertaken by the
14 county or its included municipalities to mitigate the effects
15 of urban stormwater runoff by providing regional stormwater
16 retention or detention facilities, as identified in the county
17 plan. The county board shall provide for a credit or reduction
18 in fees for any onsite retention, detention, drainage district
19 assessments, or other similar stormwater facility that the
20 developer is required to construct consistent with the
21 stormwater management ordinance. All these fees collected by
22 the county shall be held in a separate fund, and shall be
23 expended only in the watershed within which they were
24 collected.

25 (i) For the purpose of implementing this Section and for
26 the development, design, planning, construction, operation,

1 and maintenance of stormwater facilities provided for in the
2 stormwater management plan, a county board that has established
3 a stormwater management planning committee pursuant to this
4 Section may cause an annual tax of not to exceed 0.20% of the
5 value, as equalized or assessed by the Department of Revenue,
6 of all taxable property in the county to be levied upon all the
7 taxable property in the county or occupation and use taxes of
8 1/10 of one cent. The property tax shall be in addition to all
9 other taxes authorized by law to be levied and collected in the
10 county and shall be in addition to the maximum tax rate
11 authorized by law for general county purposes. The 0.20%
12 limitation provided in this Section may be increased or
13 decreased by referendum at a general election in accordance
14 with the provisions of Sections 18-120, 18-125, and 18-130 of
15 the Property Tax Code (35 ILCS 200/).

16 Any revenues generated as a result of ownership or
17 operation of facilities or land acquired with the tax funds
18 collected pursuant to this subsection shall be held in a
19 separate fund and be used either to abate such property tax or
20 for implementing this Section.

21 However, the tax authorized by this subsection shall not be
22 levied until the question of its adoption, either for a
23 specified period or indefinitely, has been submitted to the
24 electors thereof and approved by a majority of those voting on
25 the question. This question may be submitted at any general
26 election held in the county after the adoption of a resolution

1 by the county board providing for the submission of the
2 question to the electors of the county. The county board shall
3 certify the resolution and proposition to the proper election
4 officials, who shall submit the proposition at an election in
5 accordance with the general election law. If a majority of the
6 votes cast on the question is in favor of the levy of the tax,
7 it may thereafter be levied in the county for the specified
8 period or indefinitely, as provided in the proposition. The
9 question shall be put in substantially the following form:

10 Shall an annual tax be levied for stormwater management
11 purposes (for a period of not more than years) at a
12 rate not exceeding% of the equalized assessed value
13 of the taxable property of County?

14 Or this question may be submitted at any general election held
15 in the county after the adoption of a resolution by the county
16 board providing for the submission of the question to the
17 electors of the county to authorize use and occupation taxes of
18 1/10 of one cent:

19 Shall use and occupation taxes be raised for stormwater
20 management purposes (for a period of not more than
21 years) at a rate of 1/10 of one cent for taxable goods in
22 County?

23 Votes shall be recorded as Yes or No.

24 (j) For those counties that adopt a property tax in
25 accordance with the provisions in this Section, the stormwater
26 management committee shall offer property tax abatements or

1 incentive payments to property owners who construct, maintain,
2 and use approved stormwater management devices. For those
3 counties that adopt use and occupation taxes in accordance with
4 the provisions of this Section, the stormwater management
5 committee may offer tax rebates or incentive payments to
6 property owners who construct, maintain, and use approved
7 stormwater management devices. The stormwater management
8 committee is authorized to offer credits to the property tax,
9 if applicable, based on authorized practices consistent with
10 the stormwater management plan and approved by the committee.
11 Expenses of staff of a stormwater management committee that are
12 expended on regulatory project review may be no more than 20%
13 of the annual budget of the committee, including funds raised
14 under subsections (h) and (i).

15 (k) Any county that has adopted a county stormwater
16 management plan under this Section may, after 10 days written
17 notice receiving consent of the owner or occupant, enter upon
18 any lands or waters within the county for the purpose of
19 inspecting stormwater facilities or causing the removal of any
20 obstruction to an affected watercourse. If consent is denied or
21 cannot be reasonably obtained, the county ordinance shall
22 provide a process or procedure for an administrative warrant to
23 be obtained. The county shall be responsible for any damages
24 occasioned thereby.

25 (l) Upon petition of the municipality, and based on a
26 finding of the stormwater management planning committee, the

1 county shall not enforce rules and regulations adopted by the
2 county in any municipality located wholly or partly within the
3 county that has a municipal stormwater management ordinance
4 that is consistent with and at least as stringent as the county
5 plan and ordinance, and is being enforced by the municipal
6 authorities. On issues that the county ordinance is more
7 stringent as deemed by the committee, the county shall only
8 enforce rules and regulations adopted by the county on the more
9 stringent issues and accept municipal permits. The county shall
10 have no more than 60 days to review permits or the permits
11 shall be deemed approved.

12 (m) A county may issue general obligation bonds for
13 implementing any stormwater plan adopted under this Section in
14 the manner prescribed in Section 5-1012; except that the
15 referendum requirement of Section 5-1012 does not apply to
16 bonds issued pursuant to this Section on which the principal
17 and interest are to be paid entirely out of funds generated by
18 the taxes and fees authorized by this Section.

19 (n) The powers authorized by this Section may be
20 implemented by the county board for a portion of the county
21 subject to similar stormwater management needs.

22 (o) The powers and taxes authorized by this Section are in
23 addition to the powers and taxes authorized by Division 5-15;
24 in exercising its powers under this Section, a county shall not
25 be subject to the restrictions and requirements of that
26 Division.

1 (p) As used in this Section:

2 "Urban flooding" means the flooding of public and private
3 land in urban communities that results from stormwater or
4 snowmelt runoff overwhelming the existing drainage
5 infrastructure, unrelated to the overflow of any river or lake,
6 whether or not that land is located in or near a floodplain.

7 "Urbanized areas" means a statistical geographic entity
8 consisting of a densely settled core created from census tracts
9 or blocks and contiguous qualifying territory that together
10 have a minimum population of at least 50,000 persons and has
11 been delineated as an urbanized area by the United States
12 Census Bureau after the most recent decennial census.

13 (Source: P.A. 94-675, eff. 8-23-05.)

14 (55 ILCS 5/5-1062.3)

15 Sec. 5-1062.3. Stormwater management; DuPage and Peoria
16 Counties.

17 (a) The purpose of this Section is to allow management and
18 mitigation of the effects of urbanization on stormwater
19 drainage in the metropolitan counties of DuPage and Peoria, and
20 references to "county" in this Section apply only to those
21 counties. This Section does not apply to a municipality that
22 only partially lies within one of these counties and, on the
23 effective date of this amendatory Act of the 98th General
24 Assembly, is served by an existing Section in the Counties Code
25 regarding stormwater management. The purpose of this Section

1 shall be achieved by:

2 (1) consolidating the existing stormwater management
3 framework into a united, countywide structure;

4 (2) setting minimum standards for floodplain and
5 stormwater management; and

6 (3) preparing a countywide plan for the management of
7 stormwater runoff, including the management of natural and
8 man-made drainageways. The countywide plan may incorporate
9 watershed plans.

10 (b) A stormwater management planning committee may be
11 established by county board resolution, with its membership
12 consisting of equal numbers of county board and municipal
13 representatives from each county board district, and such other
14 members as may be determined by the county and municipal
15 members. If the county has more than 6 county board districts,
16 however, the county board may by ordinance divide the county
17 into not less than 6 areas of approximately equal population,
18 to be used instead of county board districts for the purpose of
19 determining representation on the stormwater management
20 planning committee.

21 The county board members shall be appointed by the chairman
22 of the county board. Municipal members from each county board
23 district or other represented area shall be appointed by a
24 majority vote of the mayors of those municipalities that have
25 the greatest percentage of their respective populations
26 residing in that county board district or other represented

1 area. All municipal and county board representatives shall be
2 entitled to a vote; the other members shall be nonvoting
3 members, unless authorized to vote by the unanimous consent of
4 the municipal and county board representatives. A municipality
5 that is located in more than one county may choose, at the time
6 of formation of the stormwater management planning committee
7 and based on watershed boundaries, to participate in the
8 stormwater management planning program of either county.
9 Subcommittees of the stormwater management planning committee
10 may be established to serve a portion of the county or a
11 particular drainage basin that has similar stormwater
12 management needs. The stormwater management planning committee
13 shall adopt bylaws, by a majority vote of the county and
14 municipal members, to govern the functions of the committee and
15 its subcommittees. Officers of the committee shall include a
16 chair and vice chair, one of whom shall be a county
17 representative and one a municipal representative.

18 The principal duties of the committee shall be to develop a
19 stormwater management plan for presentation to and approval by
20 the county board, and to direct the plan's implementation and
21 revision. The committee may retain engineering, legal, and
22 financial advisors and inspection personnel. The committee
23 shall meet at least quarterly and shall hold at least one
24 public meeting during the preparation of the plan and prior to
25 its submittal to the county board. The committee may make
26 grants to: (1) units of local government; (2) not-for-profit

1 organizations; and (3) landowners. In order for a municipality
2 located partially or wholly within a mapped floodplain to
3 receive grant moneys, the municipality must be a member in the
4 Federal Emergency Management Agency's National Flood Insurance
5 Program. A municipality receiving grant moneys must ~~that~~ have
6 adopted an ordinance requiring actions consistent with the
7 stormwater management plan. Use ~~and to landowners for the~~
8 ~~purposes of stormwater management, including special projects,~~
9 ~~use~~ of the grant money must be consistent with the stormwater
10 management plan.

11 The committee shall not have or exercise any power of
12 eminent domain.

13 (c) In the preparation of a stormwater management plan, a
14 county stormwater management planning committee shall
15 coordinate the planning process with each adjoining county to
16 ensure that recommended stormwater projects will have no
17 significant impact on the levels or flows of stormwaters in
18 inter-county watersheds or on the capacity of existing and
19 planned stormwater retention facilities. An adopted stormwater
20 management plan shall identify steps taken by the county to
21 coordinate the development of plan recommendations with
22 adjoining counties.

23 (d) The stormwater management committee may not enforce any
24 rules or regulations that would interfere with (i) any power
25 granted by the Illinois Drainage Code (70 ILCS 605/) to
26 operate, construct, maintain, or improve drainage systems or

1 (ii) the ability to operate, maintain, or improve the drainage
2 systems used on or by land or a facility used for production
3 agriculture purposes, as defined in the Use Tax Act (35 ILCS
4 105/), except newly constructed buildings and newly installed
5 impervious paved surfaces. Disputes regarding an exception
6 shall be determined by a mutually agreed upon arbitrator paid
7 by the disputing party or parties.

8 (e) Before the stormwater management planning committee
9 recommends to the county board a stormwater management plan for
10 the county or a portion thereof, it shall submit the plan to
11 the Office of Water Resources of the Department of Natural
12 Resources for review and recommendations. The Office, in
13 reviewing the plan, shall consider such factors as impacts on
14 the levels or flows in rivers and streams and the cumulative
15 effects of stormwater discharges on flood levels. The Office of
16 Water Resources shall determine whether the plan or ordinances
17 enacted to implement the plan complies with the requirements of
18 subsection (f). Within a period not to exceed 60 days, the
19 review comments and recommendations shall be submitted to the
20 stormwater management planning committee for consideration.
21 Any amendments to the plan shall be submitted to the Office for
22 review.

23 (f) Prior to recommending the plan to the county board, the
24 stormwater management planning committee shall hold at least
25 one public hearing thereon and shall afford interested persons
26 an opportunity to be heard. The hearing shall be held in the

1 county seat. Notice of the hearing shall be published at least
2 once and no less than 15 days in advance of the hearing in a
3 newspaper of general circulation published in the county. The
4 notice shall state the time and place of the hearing and the
5 place where copies of the proposed plan will be accessible for
6 examination by interested parties. If an affected municipality
7 having a stormwater management plan adopted by ordinance wishes
8 to protest the proposed county plan provisions, it shall appear
9 at the hearing and submit in writing specific proposals to the
10 stormwater management planning committee. After consideration
11 of the matters raised at the hearing, the committee may amend
12 or approve the plan and recommend it to the county board for
13 adoption.

14 The county board may enact the proposed plan by ordinance.
15 If the proposals for modification of the plan made by an
16 affected municipality having a stormwater management plan are
17 not included in the proposed county plan, and the municipality
18 affected by the plan opposes adoption of the county plan by
19 resolution of its corporate authorities, approval of the county
20 plan shall require an affirmative vote of at least two-thirds
21 of the county board members present and voting. If the county
22 board wishes to amend the county plan, it shall submit in
23 writing specific proposals to the stormwater management
24 planning committee. If the proposals are not approved by the
25 committee, or are opposed by resolution of the corporate
26 authorities of an affected municipality having a municipal

1 stormwater management plan, amendment of the plan shall require
2 an affirmative vote of at least two-thirds of the county board
3 members present and voting.

4 (g) The county board may prescribe by ordinance reasonable
5 rules and regulations for floodplain management and for
6 governing the location, width, course, and release rate of all
7 stormwater runoff channels, streams, and basins in the county,
8 in accordance with the adopted stormwater management plan.
9 Land, facilities, and drainage district facilities used for
10 production agriculture as defined in subsection (d) shall not
11 be subjected to regulation by the county board or stormwater
12 management committee under this Section for floodplain
13 management and for governing location, width, course,
14 maintenance, and release rate of stormwater runoff channels,
15 streams and basins, or water discharged from a drainage
16 district. These rules and regulations shall, at a minimum, meet
17 the standards for floodplain management established by the
18 Office of Water Resources and the requirements of the Federal
19 Emergency Management Agency for participation in the National
20 Flood Insurance Program. With respect to DuPage County only,
21 the Chicago Metropolitan Agency for Planning may not impose
22 more stringent regulations regarding water quality on entities
23 discharging in accordance with a valid National Pollution
24 Discharge Elimination System permit issued under the
25 Environmental Protection Act.

26 (h) For the purpose of implementing this Section and for

1 the development, design, planning, construction, operation,
2 and maintenance of stormwater facilities provided for in the
3 adopted stormwater management plan, a county board that has
4 established a stormwater management planning committee
5 pursuant to this Section or has participated in a stormwater
6 management planning process may adopt a schedule of fees
7 applicable to all real property within the county which
8 benefits from the county's stormwater management facilities
9 and activities, and as may be necessary to mitigate the effects
10 of increased stormwater runoff resulting from development. The
11 total amount of the fees assessed must be specifically and
12 uniquely attributable to the actual costs of the county in the
13 preparation, administration, and implementation of the adopted
14 stormwater management plan, construction and maintenance of
15 stormwater facilities, and other activities related to the
16 management of the runoff from the property. The individual fees
17 must be specifically and uniquely attributable to the portion
18 of the actual cost to the county of managing the runoff from
19 the property. The fees shall be used to finance activities
20 undertaken by the county or its included municipalities to
21 mitigate the effects of urban stormwater runoff by providing
22 and maintaining stormwater collection, retention, detention,
23 and particulate treatment facilities, and improving water
24 bodies impacted by stormwater runoff, as identified in the
25 county plan. In establishing, maintaining, or replacing such
26 facilities, the county shall not duplicate facilities operated

1 by other governmental bodies within its corporate boundaries.
2 The schedule of fees established by the county board shall
3 include a procedure for a full or partial fee waiver for
4 property owners who have taken actions or put in place
5 facilities that reduce or eliminate the cost to the county of
6 providing stormwater management services to their property.
7 The county board may also offer tax or fee rebates or incentive
8 payments to property owners who construct, maintain, and use
9 approved green infrastructure stormwater management devices or
10 any other methods that reduce or eliminate the cost to the
11 county of providing stormwater management services to the
12 property, including but not limited to facilities that reduce
13 the volume, temperature, velocity, and pollutant load of the
14 stormwater managed by the county, such as systems that
15 infiltrate, evapotranspire, or harvest stormwater for reuse,
16 known as "green infrastructure". In exercising this authority,
17 the county shall provide notice to the municipalities within
18 its jurisdiction of any fees proposed under this Section and
19 seek the input of each municipality with respect to the
20 calculation of the fees. The county shall also give property
21 owners at least 2 years' notice of the fee, during which time
22 the county shall provide education on green infrastructure
23 practices and an opportunity to take action to reduce or
24 eliminate the fee. All these fees collected by the county shall
25 be held in a separate fund, and shall be expended only in the
26 watershed within which they were collected. The county may

1 enter into intergovernmental agreements with other government
2 bodies for the joint administration of stormwater management
3 and the collection of the fees authorized in this Section.

4 A fee schedule authorized by this subsection must have the
5 same limit as the authorized stormwater tax. In Peoria County
6 only, the fee schedule shall not be adopted unless (i) a
7 referendum has been passed approving a stormwater tax as
8 provided in subsection (i) of this Section; or (ii) the
9 question of the adoption of a fee schedule with the same limit
10 as the authorized stormwater tax has been approved in a
11 referendum by a majority of those voting on the question.

12 (i) In the alternative to a fee imposed under subsection
13 (h), the county board may cause an annual tax of not to exceed
14 0.20% of the value, as equalized or assessed by the Department
15 of Revenue, of all taxable property in the county to be levied
16 upon all the taxable property in the county. The property tax
17 shall be in addition to all other taxes authorized by law to be
18 levied and collected in the county and shall be in addition to
19 the maximum tax rate authorized by law for general county
20 purposes. The 0.20% limitation provided in this Section may be
21 increased or decreased by referendum in accordance with the
22 provisions of Sections 18-120, 18-125, and 18-130 of the
23 Property Tax Code (35 ILCS 200/).

24 Any revenues generated as a result of ownership or
25 operation of facilities or land acquired with the tax funds
26 collected pursuant to this subsection shall be held in a

1 separate fund and be used either to abate such property tax or
2 for implementing this Section.

3 If at least part of the county has been declared by a
4 presidential proclamation after July 1, 1986 and before
5 December 31, 1987, to be a disaster area as a result of
6 flooding, the tax authorized by this subsection does not
7 require approval by referendum. However, in Peoria County, the
8 tax authorized by this subsection shall not be levied until the
9 question of its adoption, either for a specified period or
10 indefinitely, has been submitted to the electors thereof and
11 approved by a majority of those voting on the question. This
12 question may be submitted at any election held in the county
13 after the adoption of a resolution by the county board
14 providing for the submission of the question to the electors of
15 the county. The county board shall certify the resolution and
16 proposition to the proper election officials, who shall submit
17 the proposition at an election in accordance with the general
18 election law. If a majority of the votes cast on the question
19 is in favor of the levy of the tax, it may thereafter be levied
20 in the county for the specified period or indefinitely, as
21 provided in the proposition. The question shall be put in
22 substantially the following form:

23 Shall an annual tax be levied for stormwater management
24 purposes (for a period of not more than years) at a
25 rate not exceeding% of the equalized assessed value
26 of the taxable property of County?

1 Votes shall be recorded as Yes or No.

2 The following question may be submitted at any election
3 held in the county after the adoption of a resolution by the
4 county board providing for the submission of the question to
5 the electors of the county to authorize adoption of a schedule
6 of fees applicable to all real property within the county:

7 Shall the county board be authorized to adopt a
8 schedule of fees, at a rate not exceeding that of the
9 stormwater management tax, applicable to all real property
10 for preparation, administration, and implementation of an
11 adopted stormwater management plan, construction and
12 maintenance of related facilities, and management of the
13 runoff from the property?

14 Votes shall be recorded as Yes or No.

15 If these questions have been approved by a majority of
16 those voting prior to the effective date of this amendatory Act
17 of the 98th General Assembly, this subsection does not apply.

18 (j) For those counties that adopt a property tax in
19 accordance with the provisions in this Section, the stormwater
20 management committee shall offer property tax abatements or
21 incentive payments to property owners who construct, maintain,
22 and use approved stormwater management devices. The stormwater
23 management committee is authorized to offer credits to the
24 property tax, if applicable, based on authorized practices
25 consistent with the stormwater management plan and approved by
26 the committee. Expenses of staff of a stormwater management

1 committee that are expended on regulatory project review may be
2 no more than 20% of the annual budget of the committee,
3 including funds raised under subsections (h) and (i).

4 (k) Upon the creation and implementation of a county
5 stormwater management plan, the county may petition the circuit
6 court to dissolve any or all drainage districts created
7 pursuant to the Illinois Drainage Code or predecessor Acts
8 which are located entirely within the area of the county
9 covered by the plan.

10 However, any active drainage district implementing a plan
11 that is consistent with and at least as stringent as the county
12 stormwater management plan may petition the stormwater
13 management planning committee for exception from dissolution.
14 Upon filing of the petition, the committee shall set a date for
15 hearing not less than 2 weeks, nor more than 4 weeks, from the
16 filing thereof, and the committee shall give at least one
17 week's notice of the hearing in one or more newspapers of
18 general circulation within the district, and in addition shall
19 cause a copy of the notice to be personally served upon each of
20 the trustees of the district. At the hearing, the committee
21 shall hear the district's petition and allow the district
22 trustees and any interested parties an opportunity to present
23 oral and written evidence. The committee shall render its
24 decision upon the petition for exception from dissolution based
25 upon the best interests of the residents of the district. In
26 the event that the exception is not allowed, the district may

1 file a petition within 30 days of the decision with the circuit
2 court. In that case, the notice and hearing requirements for
3 the court shall be the same as herein provided for the
4 committee. The court shall likewise render its decision of
5 whether to dissolve the district based upon the best interests
6 of residents of the district.

7 The dissolution of any drainage district shall not affect
8 the obligation of any bonds issued or contracts entered into by
9 the district nor invalidate the levy, extension or collection
10 of any taxes or special assessments upon the property in the
11 former drainage district. All property and obligations of the
12 former drainage district shall be assumed and managed by the
13 county, and the debts of the former drainage district shall be
14 discharged as soon as practicable.

15 If a drainage district lies only partly within a county
16 that adopts a county stormwater management plan, the county may
17 petition the circuit court to disconnect from the drainage
18 district that portion of the district that lies within that
19 county. The property of the drainage district within the
20 disconnected area shall be assumed and managed by the county.
21 The county shall also assume a portion of the drainage
22 district's debt at the time of disconnection, based on the
23 portion of the value of the taxable property of the drainage
24 district which is located within the area being disconnected.

25 The operations of any drainage district that continues to
26 exist in a county that has adopted a stormwater management plan

1 in accordance with this Section shall be in accordance with the
2 adopted plan.

3 (l) Any county that has adopted a county stormwater
4 management plan under this Section may, after 10 days' written
5 notice receiving consent of the owner or occupant, enter upon
6 any lands or waters within the county for the purpose of
7 inspecting stormwater facilities or causing the removal of any
8 obstruction to an affected watercourse. If consent is denied or
9 cannot be reasonably obtained, the county ordinance shall
10 provide a process or procedure for an administrative warrant to
11 be obtained. The county shall be responsible for any damages
12 occasioned thereby.

13 (m) Except as otherwise provided in subsection (a) of this
14 Section, upon petition of the municipality, and based on a
15 finding of the stormwater management planning committee, the
16 county shall not enforce rules and regulations adopted by the
17 county in any municipality located wholly or partly within the
18 county that has a municipal stormwater management ordinance
19 that is consistent with and at least as stringent as the county
20 plan and ordinance, and is being enforced by the municipal
21 authorities. On issues that the county ordinance is more
22 stringent as deemed by the committee, the county shall only
23 enforce rules and regulations adopted by the county on the more
24 stringent issues and accept municipal permits. The county shall
25 have no more than 60 days to review permits or the permits
26 shall be deemed approved.

1 (n) A county may issue general obligation bonds for
2 implementing any stormwater plan adopted under this Section in
3 the manner prescribed in Section 5-1012; except that the
4 referendum requirement of Section 5-1012 does not apply to
5 bonds issued pursuant to this Section on which the principal
6 and interest are to be paid entirely out of funds generated by
7 the taxes and fees authorized by this Section.

8 (o) A county that has adopted a fee schedule pursuant to
9 this Section may not thereafter issue any bond extensions
10 related to implementing a stormwater management plan.

11 (p) The powers authorized by this Section may be
12 implemented by the county board for a portion of the county
13 subject to similar stormwater management needs.

14 (q) The powers and taxes authorized by this Section are in
15 addition to the powers and taxes authorized by Division 5-15;
16 in exercising its powers under this Section, a county shall not
17 be subject to the restrictions and requirements of that
18 Division.

19 (r) Stormwater management projects and actions related to
20 stormwater management in a county that has adopted a fee
21 schedule or tax pursuant to this Section prior to the effective
22 date of this amendatory Act of the 98th General Assembly are
23 not altered by this amendatory Act of the 98th General
24 Assembly.

25 (Source: P.A. 98-335, eff. 8-13-13; 98-756, eff. 7-16-14.)".