

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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:

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

19 (2) setting minimum standards for floodplain and  
20 stormwater management with an emphasis on the use of  
21 cost-effective, nature-based solutions to flooding  
22 problems, including, but not limited to, solutions that  
23 restore or enhance the natural hydrologic cycle by

1 increasing infiltration, evapotranspiration, and the  
2 collection of runoff for reuse as appropriate considering  
3 the local conditions that as a byproduct also results in  
4 improved water conditions; and

5 (3) preparing a countywide plan for the management of  
6 stormwater runoff, including the management of natural and  
7 man-made drainageways. The countywide plan may incorporate  
8 watershed plans and shall evaluate and address flooding  
9 problems that exist in urbanized areas that are a result of  
10 urban flooding.

11 (b) A stormwater management planning committee shall 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, and such other  
15 members as may be determined by the county and municipal  
16 members. However, if the county has more than 6 county board  
17 districts, the county board may by ordinance divide the county  
18 into not less than 6 areas of approximately equal population,  
19 to be used instead of county board districts for the purpose of  
20 determining representation on the stormwater management  
21 planning committee.

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

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

19 The principal duties of the committee shall be to develop a  
20 stormwater management plan for presentation to and approval by  
21 the county board, and to direct the plan's implementation and  
22 revision. The committee may retain engineering, legal and  
23 financial advisors and inspection personnel. The committee  
24 shall meet at least quarterly and shall hold at least one  
25 public meeting during the preparation of the plan and prior to  
26 its submittal to the county board. The committee may make

1 grants to: (1) units of local government; (2) not-for-profit  
2 organizations; and (3) landowners. In order for a municipality  
3 located partially or wholly within a mapped floodplain to  
4 receive grant moneys, the municipality must be a member in the  
5 Federal Emergency Management Agency's National Flood Insurance  
6 Program. A municipality receiving grant moneys must have  
7 adopted an ordinance requiring actions consistent with the  
8 stormwater management plan. Use of the grant moneys must be  
9 consistent with the stormwater management plan.

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

20 (d) (Blank).

21 (e) Prior to recommending the plan to the county board, the  
22 stormwater management planning committee shall hold at least  
23 one public hearing thereon and shall afford interested persons  
24 an opportunity to be heard. The hearing shall be held in the  
25 county seat. Notice of the hearing shall be published at least  
26 once no less than 15 days in advance thereof in a newspaper of

1 general circulation published in the county. The notice shall  
2 state the time and place of the hearing and the place where  
3 copies of the proposed plan will be accessible for examination  
4 by interested parties. If an affected municipality having a  
5 stormwater management plan adopted by ordinance wishes to  
6 protest the proposed county plan provisions, it shall appear at  
7 the hearing and submit in writing specific proposals to the  
8 stormwater management planning committee. After consideration  
9 of the matters raised at the hearing, the committee may amend  
10 or approve the plan and recommend it to the county board for  
11 adoption.

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

1 members present and voting.

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

12 (g) In accordance with, and if recommended in, the adopted  
13 stormwater management plan, the county board may adopt a  
14 schedule of fees as may be necessary to mitigate the effects of  
15 increased stormwater runoff resulting from new development.  
16 The fees shall not exceed the cost of satisfying the onsite  
17 stormwater retention or detention requirements of the adopted  
18 stormwater management plan. The fees shall be used to finance  
19 activities undertaken by the county or its included  
20 municipalities to mitigate the effects of urban stormwater  
21 runoff by providing regional stormwater retention or detention  
22 facilities, as identified in the county plan. All such fees  
23 collected by the county shall be held in a separate fund, and  
24 shall be expended only in the watershed within which they were  
25 collected.

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

1 the development, design, planning, construction, operation and  
2 maintenance of stormwater facilities provided for in the  
3 stormwater management plan, a county board that has established  
4 a stormwater management planning committee pursuant to this  
5 Section may cause an annual tax of not to exceed 0.20% of the  
6 value, as equalized or assessed by the Department of Revenue,  
7 of all taxable property in the county to be levied upon all the  
8 taxable property in the county. The tax shall be in addition to  
9 all other taxes authorized by law to be levied and collected in  
10 the 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 in accordance with the provisions of  
14 Sections 18-120, 18-125, and 18-130 of the Property Tax Code.

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

20 However, unless at least part of the county has been  
21 declared after July 1, 1986 by presidential proclamation to be  
22 a disaster area as a result of flooding, the tax authorized by  
23 this subsection (h) shall not be levied until the question of  
24 its adoption, either for a specified period or indefinitely,  
25 has been submitted to the electors thereof and approved by a  
26 majority of those voting on the question. This question may be





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

24           The dissolution of any drainage district shall not affect  
25 the obligation of any bonds issued or contracts entered into by  
26 the district nor invalidate the levy, extension or collection

1 of any taxes or special assessments upon the property in the  
2 former drainage district. All property and obligations of the  
3 former drainage district shall be assumed and managed by the  
4 county, and the debts of the former drainage district shall be  
5 discharged as soon as practicable.

6 If a drainage district lies only partly within a county  
7 that adopts a county stormwater management plan, the county may  
8 petition the circuit court to disconnect from the drainage  
9 district that portion of the district that lies within that  
10 county. The property of the drainage district within the  
11 disconnected area shall be assumed and managed by the county.  
12 The county shall also assume a portion of the drainage  
13 district's debt at the time of disconnection, based on the  
14 portion of the value of the taxable property of the drainage  
15 district which is located within the area being disconnected.

16 The operations of any drainage district that continues to  
17 exist in a county that has adopted a stormwater management plan  
18 in accordance with this Section shall be in accordance with the  
19 adopted plan.

20 (j) Any county that has adopted a county stormwater  
21 management plan under this Section may, after 10 days written  
22 notice to the owner or occupant, enter upon any lands or waters  
23 within the county for the purpose of inspecting stormwater  
24 facilities or causing the removal of any obstruction to an  
25 affected watercourse. The county shall be responsible for any  
26 damages occasioned thereby.

1           (k) Upon petition of the municipality, and based on a  
2 finding of the stormwater management planning committee, the  
3 county shall not enforce rules and regulations adopted by the  
4 county in any municipality located wholly or partly within the  
5 county that has a municipal stormwater management ordinance  
6 that is consistent with and at least as stringent as the county  
7 plan and ordinance, and is being enforced by the municipal  
8 authorities.

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

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

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

24           (o) Pursuant to paragraphs (g) and (i) of Section 6 of  
25 Article VII of the Illinois Constitution, this Section  
26 specifically denies and limits the exercise of any power which

1 is inconsistent herewith by home rule units in any county with  
2 a population of less than 1,500,000 in the area served by the  
3 Chicago Metropolitan Agency for Planning ~~Northeastern Illinois~~  
4 ~~Planning Commission~~. This Section does not prohibit the  
5 concurrent exercise of powers consistent herewith.

6 (p) As used in this Section:

7 "Urban flooding" means the flooding of public and private  
8 land in urban communities that results from stormwater or  
9 snowmelt runoff overwhelming the existing drainage  
10 infrastructure, unrelated to the overflow of any river or lake,  
11 whether or not that land is located in or near a floodplain.

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

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

19 (55 ILCS 5/5-1062.2)

20 Sec. 5-1062.2. Stormwater management.

21 (a) The purpose of this Section is to allow management and  
22 mitigation of the effects of urbanization on stormwater  
23 drainage in the metropolitan counties of Madison, St. Clair,  
24 Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and Boone  
25 as well as all counties containing all or a part of an

1 urbanized area and references to "county" in this Section apply  
2 only to those counties. This Section does not apply to counties  
3 in the Chicago Metropolitan Agency for Planning ~~Northeastern~~  
4 ~~Illinois Planning Commission~~ that are granted authorities in  
5 Section 5-1062. The purpose of this Section shall be achieved  
6 by:

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

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

18 (3) Preparing a countywide plan for the management of  
19 stormwater runoff, including the management of natural and  
20 man-made drainageways. The countywide plan may incorporate  
21 watershed plans and shall evaluate and address flooding  
22 problems that exist in urbanized areas that are a result of  
23 urban flooding.

24 (a-5) This Section also applies to all counties not  
25 otherwise covered in Section 5-1062, 5-1062.2, or 5-1062.3 if  
26 the question of allowing the county board to establish a

1 stormwater management planning council has been submitted to  
2 the electors of the county and approved by a majority of those  
3 voting on the question.

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

16 The county board members shall be appointed by the chairman  
17 of the county board. Municipal members from each county board  
18 district or other represented area shall be appointed by a  
19 majority vote of the mayors of those municipalities that have  
20 the greatest percentage of their respective populations  
21 residing in that county board district or other represented  
22 area. All municipal, ~~and~~ county board, drainage district, and  
23 soil and water conservation district representatives shall be  
24 entitled to a vote; the other members shall be nonvoting  
25 members, unless authorized to vote by the unanimous consent of  
26 the voting member of the committee; however, Madison, St.

1 Clair, Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and  
2 Boone counties shall not have drainage district or soil and  
3 water conservation ~~the municipal and county board~~  
4 representatives. A municipality that is located in more than  
5 one county may choose, at the time of formation of the  
6 stormwater management planning committee and based on  
7 watershed boundaries, to participate in the stormwater  
8 management planning program of either or both of the counties.  
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 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 or stormwater management  
6 and for governing the location, width, course, and release rate  
7 of all stormwater runoff channels, streams, and basins in the  
8 county, in accordance with the adopted stormwater management  
9 plan. Land, facilities, and drainage district facilities used  
10 for production agriculture as defined in subsection (d) shall  
11 not be subjected to regulation by the county board or  
12 stormwater management committee under this Section for  
13 floodplain management and for governing location, width,  
14 course, maintenance, and release rate of stormwater runoff  
15 channels, streams and basins, or water discharged from a  
16 drainage district. These rules and regulations shall, at a  
17 minimum, meet the standards for floodplain management  
18 established by the Office of Water Resources and the  
19 requirements of the Federal Emergency Management Agency for  
20 participation in the National Flood Insurance Program. The  
21 Commission may not impose more stringent regulations regarding  
22 water quality on entities discharging in accordance with a  
23 valid National Pollution Discharge Elimination System permit  
24 issued under the Environmental Protection Act.

25 (h) In accordance with, and if recommended in, the adopted  
26 stormwater management plan, the county board may adopt a

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

18 (i) For the purpose of implementing this Section and for  
19 the development, design, planning, construction, operation,  
20 and maintenance of stormwater facilities provided for in the  
21 stormwater management plan, a county board that has established  
22 a stormwater management planning committee pursuant to this  
23 Section may cause an annual tax of not to exceed 0.20% of the  
24 value, as equalized or assessed by the Department of Revenue,  
25 of all taxable property in the county to be levied upon all the  
26 taxable property in the county or occupation and use taxes of

1 1/10 of one cent. The property tax shall be in addition to all  
2 other taxes authorized by law to be levied and collected in the  
3 county and shall be in addition to the maximum tax rate  
4 authorized by law for general county purposes. The 0.20%  
5 limitation provided in this Section may be increased or  
6 decreased by referendum at a general election in accordance  
7 with the provisions of Sections 18-120, 18-125, and 18-130 of  
8 the Property Tax Code (35 ILCS 200/).

9 Any revenues generated as a result of ownership or  
10 operation of facilities or land acquired with the tax funds  
11 collected pursuant to this subsection shall be held in a  
12 separate fund and be used either to abate such property tax or  
13 for implementing this Section.

14 However, the tax authorized by this subsection shall not be  
15 levied until the question of its adoption, either for a  
16 specified period or indefinitely, has been submitted to the  
17 electors thereof and approved by a majority of those voting on  
18 the question. This question may be submitted at any general  
19 election held in the county after the adoption of a resolution  
20 by the county board providing for the submission of the  
21 question to the electors of the county. The county board shall  
22 certify the resolution and proposition to the proper election  
23 officials, who shall submit the proposition at an election in  
24 accordance with the general election law. If a majority of the  
25 votes cast on the question is in favor of the levy of the tax,  
26 it may thereafter be levied in the county for the specified

1 period or indefinitely, as provided in the proposition. The  
2 question shall be put in substantially the following form:

3           Shall an annual tax be levied for stormwater management  
4           purposes (for a period of not more than ..... years) at a  
5           rate not exceeding .....% of the equalized assessed value  
6           of the taxable property of ..... County?

7 Or this question may be submitted at any general election held  
8 in the county after the adoption of a resolution by the county  
9 board providing for the submission of the question to the  
10 electors of the county to authorize use and occupation taxes of  
11 1/10 of one cent:

12           Shall use and occupation taxes be raised for stormwater  
13           management purposes (for a period of not more than .....  
14           years) at a rate of 1/10 of one cent for taxable goods in  
15           ..... County?

16           Votes shall be recorded as Yes or No.

17           (j) For those counties that adopt a property tax in  
18           accordance with the provisions in this Section, the stormwater  
19           management committee shall offer property tax abatements or  
20           incentive payments to property owners who construct, maintain,  
21           and use approved stormwater management devices. For those  
22           counties that adopt use and occupation taxes in accordance with  
23           the provisions of this Section, the stormwater management  
24           committee may offer tax rebates or incentive payments to  
25           property owners who construct, maintain, and use approved  
26           stormwater management devices. The stormwater management

1 committee is authorized to offer credits to the property tax,  
2 if applicable, based on authorized practices consistent with  
3 the stormwater management plan and approved by the committee.  
4 Expenses of staff of a stormwater management committee that are  
5 expended on regulatory project review may be no more than 20%  
6 of the annual budget of the committee, including funds raised  
7 under subsections (h) and (i).

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

18 (l) Upon petition of the municipality, and based on a  
19 finding of the stormwater management planning committee, the  
20 county shall not enforce rules and regulations adopted by the  
21 county in any municipality located wholly or partly within the  
22 county that has a municipal stormwater management ordinance  
23 that is consistent with and at least as stringent as the county  
24 plan and ordinance, and is being enforced by the municipal  
25 authorities. On issues that the county ordinance is more  
26 stringent as deemed by the committee, the county shall only

1 enforce rules and regulations adopted by the county on the more  
2 stringent issues and accept municipal permits. The county shall  
3 have no more than 60 days to review permits or the permits  
4 shall be deemed approved.

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

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

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

20 (p) As used in this Section:

21 "Urban flooding" means the flooding of public and private  
22 land in urban communities that results from stormwater or  
23 snowmelt runoff overwhelming the existing drainage  
24 infrastructure, unrelated to the overflow of any river or lake,  
25 whether or not that land is located in or near a floodplain.

26 "Urbanized areas" means a statistical geographic entity



1 consisting of a densely settled core created from census tracts  
2 or blocks and contiguous qualifying territory that together  
3 have a minimum population of at least 50,000 persons and has  
4 been delineated as an urbanized area by the United States  
5 Census Bureau after the most recent decennial census.

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

7 (55 ILCS 5/5-1062.3)

8 Sec. 5-1062.3. Stormwater management; DuPage and Peoria  
9 Counties.

10 (a) The purpose of this Section is to allow management and  
11 mitigation of the effects of urbanization on stormwater  
12 drainage in the metropolitan counties of DuPage and Peoria, and  
13 references to "county" in this Section apply only to those  
14 counties. This Section does not apply to a municipality that  
15 only partially lies within one of these counties and, on the  
16 effective date of this amendatory Act of the 98th General  
17 Assembly, is served by an existing Section in the Counties Code  
18 regarding stormwater management. The purpose of this Section  
19 shall be achieved by:

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

22 (2) setting minimum standards for floodplain and  
23 stormwater management; and

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

1 man-made drainageways. The countywide plan may incorporate  
2 watershed plans.

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

14 The county board members shall be appointed by the chairman  
15 of the county board. Municipal members from each county board  
16 district or other represented area shall be appointed by a  
17 majority vote of the mayors of those municipalities that have  
18 the greatest percentage of their respective populations  
19 residing in that county board district or other represented  
20 area. All municipal and county board representatives shall be  
21 entitled to a vote; the other members shall be nonvoting  
22 members, unless authorized to vote by the unanimous consent of  
23 the municipal and county board representatives. A municipality  
24 that is located in more than one county may choose, at the time  
25 of formation of the stormwater management planning committee  
26 and based on watershed boundaries, to participate in the

1 stormwater management planning program of either county.  
2 Subcommittees of the stormwater management planning committee  
3 may be established to serve a portion of the county or a  
4 particular drainage basin that has similar stormwater  
5 management needs. The stormwater management planning committee  
6 shall adopt bylaws, by a majority vote of the county and  
7 municipal members, to govern the functions of the committee and  
8 its subcommittees. Officers of the committee shall include a  
9 chair and vice chair, one of whom shall be a county  
10 representative and one a municipal representative.

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

1 ~~purposes of stormwater management, including special projects;~~  
2 ~~use~~ of the grant money must be consistent with the stormwater  
3 management plan.

4 The committee shall not have or exercise any power of  
5 eminent domain.

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

16 (d) The stormwater management committee may not enforce any  
17 rules or regulations that would interfere with (i) any power  
18 granted by the Illinois Drainage Code (70 ILCS 605/) to  
19 operate, construct, maintain, or improve drainage systems or  
20 (ii) the ability to operate, maintain, or improve the drainage  
21 systems used on or by land or a facility used for production  
22 agriculture purposes, as defined in the Use Tax Act (35 ILCS  
23 105/), except newly constructed buildings and newly installed  
24 impervious paved surfaces. Disputes regarding an exception  
25 shall be determined by a mutually agreed upon arbitrator paid  
26 by the disputing party or parties.

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

16           (f) Prior to recommending the plan to the county board, the  
17 stormwater management planning committee shall hold at least  
18 one public hearing thereon and shall afford interested persons  
19 an opportunity to be heard. The hearing shall be held in the  
20 county seat. Notice of the hearing shall be published at least  
21 once and no less than 15 days in advance of the hearing in a  
22 newspaper of general circulation published in the county. The  
23 notice shall state the time and place of the hearing and the  
24 place where copies of the proposed plan will be accessible for  
25 examination by interested parties. If an affected municipality  
26 having a stormwater management plan adopted by ordinance wishes

1 to protest the proposed county plan provisions, it shall appear  
2 at the hearing and submit in writing specific proposals to the  
3 stormwater management planning committee. After consideration  
4 of the matters raised at the hearing, the committee may amend  
5 or approve the plan and recommend it to the county board for  
6 adoption.

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

23 (g) The county board may prescribe by ordinance reasonable  
24 rules and regulations for floodplain management and for  
25 governing the location, width, course, and release rate of all  
26 stormwater runoff channels, streams, and basins in the county,

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

19 (h) For the purpose of implementing this Section and for  
20 the development, design, planning, construction, operation,  
21 and maintenance of stormwater facilities provided for in the  
22 adopted stormwater management plan, a county board that has  
23 established a stormwater management planning committee  
24 pursuant to this Section or has participated in a stormwater  
25 management planning process may adopt a schedule of fees  
26 applicable to all real property within the county which

1 benefits from the county's stormwater management facilities  
2 and activities, and as may be necessary to mitigate the effects  
3 of increased stormwater runoff resulting from development. The  
4 total amount of the fees assessed must be specifically and  
5 uniquely attributable to the actual costs of the county in the  
6 preparation, administration, and implementation of the adopted  
7 stormwater management plan, construction and maintenance of  
8 stormwater facilities, and other activities related to the  
9 management of the runoff from the property. The individual fees  
10 must be specifically and uniquely attributable to the portion  
11 of the actual cost to the county of managing the runoff from  
12 the property. The fees shall be used to finance activities  
13 undertaken by the county or its included municipalities to  
14 mitigate the effects of urban stormwater runoff by providing  
15 and maintaining stormwater collection, retention, detention,  
16 and particulate treatment facilities, and improving water  
17 bodies impacted by stormwater runoff, as identified in the  
18 county plan. In establishing, maintaining, or replacing such  
19 facilities, the county shall not duplicate facilities operated  
20 by other governmental bodies within its corporate boundaries.  
21 The schedule of fees established by the county board shall  
22 include a procedure for a full or partial fee waiver for  
23 property owners who have taken actions or put in place  
24 facilities that reduce or eliminate the cost to the county of  
25 providing stormwater management services to their property.  
26 The county board may also offer tax or fee rebates or incentive



1 payments to property owners who construct, maintain, and use  
2 approved green infrastructure stormwater management devices or  
3 any other methods that reduce or eliminate the cost to the  
4 county of providing stormwater management services to the  
5 property, including but not limited to facilities that reduce  
6 the volume, temperature, velocity, and pollutant load of the  
7 stormwater managed by the county, such as systems that  
8 infiltrate, evapotranspire, or harvest stormwater for reuse,  
9 known as "green infrastructure". In exercising this authority,  
10 the county shall provide notice to the municipalities within  
11 its jurisdiction of any fees proposed under this Section and  
12 seek the input of each municipality with respect to the  
13 calculation of the fees. The county shall also give property  
14 owners at least 2 years' notice of the fee, during which time  
15 the county shall provide education on green infrastructure  
16 practices and an opportunity to take action to reduce or  
17 eliminate the fee. All these fees collected by the county shall  
18 be held in a separate fund, and shall be expended only in the  
19 watershed within which they were collected. The county may  
20 enter into intergovernmental agreements with other government  
21 bodies for the joint administration of stormwater management  
22 and the collection of the fees authorized in this Section.

23 A fee schedule authorized by this subsection must have the  
24 same limit as the authorized stormwater tax. In Peoria County  
25 only, the fee schedule shall not be adopted unless (i) a  
26 referendum has been passed approving a stormwater tax as

1 provided in subsection (i) of this Section; or (ii) the  
2 question of the adoption of a fee schedule with the same limit  
3 as the authorized stormwater tax has been approved in a  
4 referendum by a majority of those voting on the question.

5 (i) In the alternative to a fee imposed under subsection  
6 (h), the county board may cause an annual tax of not to exceed  
7 0.20% of the value, as equalized or assessed by the Department  
8 of Revenue, of all taxable property in the county to be levied  
9 upon all the taxable property in the county. The property tax  
10 shall be in addition to all other taxes authorized by law to be  
11 levied and collected in the county and shall be in addition to  
12 the maximum tax rate authorized by law for general county  
13 purposes. The 0.20% limitation provided in this Section may be  
14 increased or decreased by referendum in accordance with the  
15 provisions of Sections 18-120, 18-125, and 18-130 of the  
16 Property Tax Code (35 ILCS 200/).

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

22 If at least part of the county has been declared by a  
23 presidential proclamation after July 1, 1986 and before  
24 December 31, 1987, to be a disaster area as a result of  
25 flooding, the tax authorized by this subsection does not  
26 require approval by referendum. However, in Peoria County, the

1 tax authorized by this subsection shall not be levied until the  
2 question of its adoption, either for a specified period or  
3 indefinitely, has been submitted to the electors thereof and  
4 approved by a majority of those voting on the question. This  
5 question may be submitted at any election held in the county  
6 after the adoption of a resolution by the county board  
7 providing for the submission of the question to the electors of  
8 the county. The county board shall certify the resolution and  
9 proposition to the proper election officials, who shall submit  
10 the proposition at an election in accordance with the general  
11 election law. If a majority of the votes cast on the question  
12 is in favor of the levy of the tax, it may thereafter be levied  
13 in the county for the specified period or indefinitely, as  
14 provided in the proposition. The question shall be put in  
15 substantially the following form:

16           Shall an annual tax be levied for stormwater management  
17           purposes (for a period of not more than ..... years) at a  
18           rate not exceeding .....% of the equalized assessed value  
19           of the taxable property of ..... County?

20           Votes shall be recorded as Yes or No.

21           The following question may be submitted at any election  
22 held in the county after the adoption of a resolution by the  
23 county board providing for the submission of the question to  
24 the electors of the county to authorize adoption of a schedule  
25 of fees applicable to all real property within the county:

26           Shall the county board be authorized to adopt a

1 schedule of fees, at a rate not exceeding that of the  
2 stormwater management tax, applicable to all real property  
3 for preparation, administration, and implementation of an  
4 adopted stormwater management plan, construction and  
5 maintenance of related facilities, and management of the  
6 runoff from the property?

7 Votes shall be recorded as Yes or No.

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

11 (j) For those counties that adopt a property tax in  
12 accordance with the provisions in this Section, the stormwater  
13 management committee shall offer property tax abatements or  
14 incentive payments to property owners who construct, maintain,  
15 and use approved stormwater management devices. The stormwater  
16 management committee is authorized to offer credits to the  
17 property tax, if applicable, based on authorized practices  
18 consistent with the stormwater management plan and approved by  
19 the committee. Expenses of staff of a stormwater management  
20 committee that are expended on regulatory project review may be  
21 no more than 20% of the annual budget of the committee,  
22 including funds raised under subsections (h) and (i).

23 (k) Upon the creation and implementation of a county  
24 stormwater management plan, the county may petition the circuit  
25 court to dissolve any or all drainage districts created  
26 pursuant to the Illinois Drainage Code or predecessor Acts

1 which are located entirely within the area of the county  
2 covered by the plan.

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

26       The dissolution of any drainage district shall not affect

1 the obligation of any bonds issued or contracts entered into by  
2 the district nor invalidate the levy, extension or collection  
3 of any taxes or special assessments upon the property in the  
4 former drainage district. All property and obligations of the  
5 former drainage district shall be assumed and managed by the  
6 county, and the debts of the former drainage district shall be  
7 discharged as soon as practicable.

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

18 The operations of any drainage district that continues to  
19 exist in a county that has adopted a stormwater management plan  
20 in accordance with this Section shall be in accordance with the  
21 adopted plan.

22 (1) Any county that has adopted a county stormwater  
23 management plan under this Section may, after 10 days' written  
24 notice receiving consent of the owner or occupant, enter upon  
25 any lands or waters within the county for the purpose of  
26 inspecting stormwater facilities or causing the removal of any

1 obstruction to an affected watercourse. If consent is denied or  
2 cannot be reasonably obtained, the county ordinance shall  
3 provide a process or procedure for an administrative warrant to  
4 be obtained. The county shall be responsible for any damages  
5 occasioned thereby.

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

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

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

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

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

12           (r) Stormwater management projects and actions related to  
13 stormwater management in a county that has adopted a fee  
14 schedule or tax pursuant to this Section prior to the effective  
15 date of this amendatory Act of the 98th General Assembly are  
16 not altered by this amendatory Act of the 98th General  
17 Assembly.

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