

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 solutions to flooding problems; and

22 (3) preparing a countywide plan for the management of
23 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 (b) A stormwater management planning committee shall be
6 established by county board resolution, with its membership
7 consisting of equal numbers of county board and municipal
8 representatives from each county board district, and such other
9 members as may be determined by the county and municipal
10 members. However, if the county has more than 6 county board
11 districts, 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 which have
20 the greatest percentage of their respective populations
21 residing in such county board district or other represented
22 area. All municipal and county board representatives shall be
23 entitled to a vote; the other members shall be nonvoting
24 members, unless authorized to vote by the unanimous consent of
25 the municipal and county board representatives. A municipality
26 that is located in more than one county may choose, at the time

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

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

1 adopted an ordinance requiring actions consistent with the
2 stormwater management plan. Use of the grant moneys must be
3 consistent with the stormwater management plan.

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

14 (d) (Blank).

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

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

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

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

1 plan. These rules and regulations shall, at a minimum, meet the
2 standards for floodplain management established by the Office
3 of Water Resources and the requirements of the Federal
4 Emergency Management Agency for participation in the National
5 Flood Insurance Program.

6 (g) 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 reasonable and necessary to mitigate
9 the effects of increased stormwater runoff resulting from new
10 development. The fees shall not exceed the cost of satisfying
11 the onsite stormwater retention or detention requirements of
12 the adopted stormwater management plan. The fees shall be used
13 to finance activities undertaken by the county or its included
14 municipalities to mitigate the effects of urban stormwater
15 runoff by providing regional stormwater retention or detention
16 facilities, as identified in the county plan. All such fees
17 collected by the county shall be held in a separate fund, and
18 shall be expended only in the watershed within which they were
19 collected.

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

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

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 (h) 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, unless at least part of the county has been
15 declared after July 1, 1986 by presidential proclamation to be
16 a disaster area as a result of flooding, the tax authorized by
17 this subsection (h) shall not be levied until the question of
18 its adoption, either for a specified period or indefinitely,
19 has been submitted to the electors thereof and approved by a
20 majority of those voting on the question. This question may be
21 submitted at any election held in the county after the adoption
22 of a resolution by the county board providing for the
23 submission of the question to the electors of the county. The
24 county board shall certify the resolution and proposition to
25 the proper election officials, who shall submit the proposition
26 at an election in accordance with the general election law. If

1 a majority of the votes cast on the question is in favor of the
 2 levy of the tax, it may thereafter be levied in the county for
 3 the specified period or indefinitely, as provided in the
 4 proposition. The question shall be put in substantially the
 5 following form:

6 -----
 7 Shall an annual tax be levied
 8 for stormwater management purposes YES
 9 (for a period of not more than
 10 years) at a rate not exceeding -----
 11% of the equalized assessed
 12 value of the taxable property of NO
 13 County?

14 -----
 15 (i) Upon the creation and implementation of a county
 16 stormwater management plan, the county may petition the circuit
 17 court to dissolve any or all drainage districts created
 18 pursuant to the Illinois Drainage Code or predecessor Acts
 19 which are located entirely within the area of the county
 20 covered by the plan.

21 However, any active drainage district implementing a plan
 22 that is consistent with and at least as stringent as the county
 23 stormwater management plan may petition the stormwater
 24 management planning committee for exception from dissolution.
 25 Upon filing of the petition, the committee shall set a date for
 26 hearing not less than 2 weeks, nor more than 4 weeks, from the

1 filing thereof, and the committee shall give at least one
2 week's notice of the hearing in one or more newspapers of
3 general circulation within the district, and in addition shall
4 cause a copy of the notice to be personally served upon each of
5 the trustees of the district. At the hearing, the committee
6 shall hear the district's petition and allow the district
7 trustees and any interested parties an opportunity to present
8 oral and written evidence. The committee shall render its
9 decision upon the petition for exception from dissolution based
10 upon the best interests of the residents of the district. In
11 the event that the exception is not allowed, the district may
12 file a petition within 30 days of the decision with the circuit
13 court. In that case, the notice and hearing requirements for
14 the court shall be the same as herein provided for the
15 committee. The court shall likewise render its decision of
16 whether to dissolve the district based upon the best interests
17 of residents of the district.

18 The dissolution of any drainage district shall not affect
19 the obligation of any bonds issued or contracts entered into by
20 the district nor invalidate the levy, extension or collection
21 of any taxes or special assessments upon the property in the
22 former drainage district. All property and obligations of the
23 former drainage district shall be assumed and managed by the
24 county, and the debts of the former drainage district shall be
25 discharged as soon as practicable.

26 If a drainage district lies only partly within a county

1 that adopts a county stormwater management plan, the county may
2 petition the circuit court to disconnect from the drainage
3 district that portion of the district that lies within that
4 county. The property of the drainage district within the
5 disconnected area shall be assumed and managed by the county.
6 The county shall also assume a portion of the drainage
7 district's debt at the time of disconnection, based on the
8 portion of the value of the taxable property of the drainage
9 district which is located within the area being disconnected.

10 The operations of any drainage district that continues to
11 exist in a county that has adopted a stormwater management plan
12 in accordance with this Section shall be in accordance with the
13 adopted plan.

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

21 (k) Upon petition of the municipality, and based on a
22 finding of the stormwater management planning committee, the
23 county shall not enforce rules and regulations adopted by the
24 county in any municipality located wholly or partly within the
25 county that has a municipal stormwater management ordinance
26 that is consistent with and at least as stringent as the county

1 plan and ordinance, and is being enforced by the municipal
2 authorities.

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

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

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

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

26 (p) As used in this Section:

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

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

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

13 (55 ILCS 5/5-1062.2)

14 Sec. 5-1062.2. Stormwater management.

15 (a) The purpose of this Section is to allow management and
16 mitigation of the effects of urbanization on stormwater
17 drainage in the metropolitan counties of Madison, St. Clair,
18 Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and Boone
19 as well as all counties containing all or a part of an
20 urbanized area and references to "county" in this Section apply
21 only to those counties. This Section does not apply to counties
22 in the Chicago Metropolitan Agency for Planning ~~Northeastern~~
23 ~~Illinois Planning Commission~~ that are granted authorities in
24 Section 5-1062. The purpose of this Section shall be achieved
25 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 solutions to flooding problems.

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 and shall evaluate and address flooding
10 problems that exist in urbanized areas that are a result of
11 urban flooding.

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

18 (b) A stormwater management planning committee may 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, one member
22 representing drainage districts, and one member representing
23 soil and water conservation districts and such other members as
24 may be determined by the stormwater management planning
25 committee ~~county and municipal~~ members. If the county has more
26 than 6 county board districts, however, the county board may by

1 ordinance divide the county into not less than 6 areas of
2 approximately equal population, to be used instead of county
3 board districts for the purpose of determining representation
4 on the stormwater management planning committee.

5 The county board members shall be appointed by the chairman
6 of the county board. Municipal members from each county board
7 district or other represented area shall be appointed by a
8 majority vote of the mayors of those municipalities that have
9 the greatest percentage of their respective populations
10 residing in that county board district or other represented
11 area. The member representing drainage districts shall be
12 appointed by the drainage district chairperson or by a majority
13 vote of all drainage district chairpersons in the county if
14 more than one drainage district exists in the county. The
15 member representing soil and water conservation districts
16 shall be appointed by a majority vote of the soil and water
17 conservation district board or by a majority vote of all soil
18 and water conservation district boards in the county if more
19 than one soil and water conservation district board exists in
20 the county. All municipal, ~~and~~ county board, drainage district,
21 and soil and water conservation district representatives shall
22 be entitled to a vote; the other members shall be nonvoting
23 members, unless authorized to vote by the unanimous consent of
24 the voting members of the committee; however, Madison, St.
25 Clair, Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and
26 Boone counties are not required to have a drainage district or

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

16 The principal duties of the committee shall be to develop a
17 stormwater management plan for presentation to and approval by
18 the county board, and to direct the plan's implementation and
19 revision. The committee may retain engineering, legal, and
20 financial advisors and inspection personnel. The committee
21 shall meet at least quarterly and shall hold at least one
22 public meeting during the preparation of the plan and prior to
23 its submittal to the county board. The committee may make
24 grants to: (1) units of local government; (2) not-for-profit
25 organizations; and (3) landowners. In order for a municipality
26 located partially or wholly within a mapped floodplain to

1 receive grant moneys, the municipality must be a member in the
2 Federal Emergency Management Agency's National Flood Insurance
3 Program. A municipality receiving grant moneys must ~~that~~ have
4 adopted an ordinance requiring actions consistent with the
5 stormwater management plan. Use ~~and to landowners for the~~
6 ~~purposes of stormwater management, including special projects,~~
7 ~~use~~ of the grant money must be consistent with the stormwater
8 management plan.

9 The committee shall not have or exercise any power of
10 eminent domain.

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

21 (d) The stormwater management committee may not enforce any
22 rules or regulations that would interfere with (i) any power
23 granted by the Illinois Drainage Code (70 ILCS 605/) to
24 operate, construct, maintain, or improve drainage systems or
25 (ii) the ability to operate, maintain, or improve the drainage
26 systems used on or by land or a facility used for production

1 agriculture purposes, as defined in the Use Tax Act (35 ILCS
2 105/), except newly constructed buildings and newly installed
3 impervious paved surfaces. Disputes regarding an exception
4 shall be determined by a mutually agreed upon arbitrator paid
5 by the disputing party or parties.

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

21 (f) 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 of the hearing in a

1 newspaper of general circulation published in the county. The
2 notice shall state the time and place of the hearing and the
3 place where copies of the proposed plan will be accessible for
4 examination by interested parties. If an affected municipality
5 having a stormwater management plan adopted by ordinance wishes
6 to protest the proposed county plan provisions, it shall appear
7 at 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 (g) 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. Land, facilities, and drainage district facilities used
8 for production agriculture as defined in subsection (d) shall
9 not be subjected to regulation by the county board or
10 stormwater management committee under this Section for
11 floodplain management and for governing location, width,
12 course, maintenance, and release rate of stormwater runoff
13 channels, streams and basins, or water discharged from a
14 drainage district. These rules and regulations shall, at a
15 minimum, meet the standards for floodplain management
16 established by the Office of Water Resources and the
17 requirements of the Federal Emergency Management Agency for
18 participation in the National Flood Insurance Program. The
19 Commission may not impose more stringent regulations regarding
20 water quality on entities discharging in accordance with a
21 valid National Pollution Discharge Elimination System permit
22 issued under the Environmental Protection Act.

23 (h) In accordance with, and if recommended in, the adopted
24 stormwater management plan, the county board may adopt a
25 schedule of reasonable fees as may be necessary to mitigate the
26 effects of increased stormwater runoff resulting from new

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

16 (i) For the purpose of implementing this Section and for
17 the development, design, planning, construction, operation,
18 and maintenance of stormwater facilities provided for in the
19 stormwater management plan, a county board that has established
20 a stormwater management planning committee pursuant to this
21 Section may cause an annual tax of not to exceed 0.20% of the
22 value, as equalized or assessed by the Department of Revenue,
23 of all taxable property in the county to be levied upon all the
24 taxable property in the county or occupation and use taxes of
25 1/10 of one cent. The property tax shall be in addition to all
26 other taxes authorized by law to be levied and collected in the

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

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

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

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

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

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

14 Votes shall be recorded as Yes or No.

15 (i-5) Before a county that establishes a stormwater
16 management planning council after submission of the question to
17 the electors of the county pursuant to subsection (a-5) may
18 submit a referendum question to the electors of the county for
19 an annual tax under subsection (i), the county shall:

20 (1) adopt and enforce a floodplain management
21 ordinance or a stormwater management ordinance under
22 subsection (g) that has been approved by the Office of
23 Water Resources of the Department of Natural Resources; and

24 (2) designate a certified floodplain manager who has
25 been certified by the Association of State Floodplain
26 Managers; however, nothing in this paragraph (2) requires a

1 county to create a new position or designate another
2 individual if the county already has a certified floodplain
3 manager on staff.

4 If a county fails to continually meet any of the conditions
5 of this subsection (i-5) after approval of a referendum
6 question for an annual tax, the county may not levy a tax under
7 subsection (i) until they are in full compliance with this
8 subsection (i-5).

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

26 (k) Any county that has adopted a county stormwater

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

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

23 (m) A county may issue general obligation bonds for
24 implementing any stormwater plan adopted under this Section in
25 the manner prescribed in Section 5-1012; except that the
26 referendum requirement of Section 5-1012 does not apply to

1 bonds issued pursuant to this Section on which the principal
2 and interest are to be paid entirely out of funds generated by
3 the taxes and fees authorized by this Section.

4 (n) 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 (o) 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 (p) As used in this Section:

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

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

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

25 (55 ILCS 5/5-1062.3)

1 Sec. 5-1062.3. Stormwater management; DuPage and Peoria
2 Counties.

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 DuPage and Peoria, and
6 references to "county" in this Section apply only to those
7 counties. This Section does not apply to a municipality that
8 only partially lies within one of these counties and, on the
9 effective date of this amendatory Act of the 98th General
10 Assembly, is served by an existing Section in the Counties Code
11 regarding stormwater management. The purpose of this Section
12 shall be achieved by:

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

15 (2) setting minimum standards for floodplain and
16 stormwater management with an emphasis on the use of
17 cost-effective solutions to flooding problems; and

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 (b) A stormwater management planning committee may be
25 established by county board resolution, with its membership
26 consisting of equal numbers of county board and municipal

1 representatives from each county board district, and such other
2 members as may be determined by the county and municipal
3 members. If the county has more than 6 county board districts,
4 however, the county board may by ordinance divide the county
5 into not less than 6 areas of approximately equal population,
6 to be used instead of county board districts for the purpose of
7 determining representation on the stormwater management
8 planning committee.

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

1 shall adopt bylaws, by a majority vote of the county and
2 municipal members, to govern the functions of the committee and
3 its subcommittees. Officers of the committee shall include a
4 chair and vice chair, one of whom shall be a county
5 representative and one a municipal representative.

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

25 The committee shall not have or exercise any power of
26 eminent domain.

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

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

22 (e) Before the stormwater management planning committee
23 recommends to the county board a stormwater management plan for
24 the county or a portion thereof, it shall submit the plan to
25 the Office of Water Resources of the Department of Natural
26 Resources for review and recommendations. The Office, in

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

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

1 adoption.

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

18 (g) The county board may prescribe by ordinance reasonable
19 rules and regulations for floodplain or stormwater management
20 and for governing the location, width, course, and release rate
21 of all stormwater runoff channels, streams, and basins in the
22 county, in accordance with the adopted stormwater management
23 plan. Land, facilities, and drainage district facilities used
24 for production agriculture as defined in subsection (d) shall
25 not be subjected to regulation by the county board or
26 stormwater management committee under this Section for

1 floodplain management and for governing location, width,
2 course, maintenance, and release rate of stormwater runoff
3 channels, streams and basins, or water discharged from a
4 drainage district. These rules and regulations shall, at a
5 minimum, meet the standards for floodplain management
6 established by the Office of Water Resources and the
7 requirements of the Federal Emergency Management Agency for
8 participation in the National Flood Insurance Program. With
9 respect to DuPage County only, the Chicago Metropolitan Agency
10 for Planning may not impose more stringent regulations
11 regarding water quality on entities discharging in accordance
12 with a valid National Pollution Discharge Elimination System
13 permit issued under the Environmental Protection Act.

14 (h) For the purpose of implementing this Section and for
15 the development, design, planning, construction, operation,
16 and maintenance of stormwater facilities provided for in the
17 adopted stormwater management plan, a county board that has
18 established a stormwater management planning committee
19 pursuant to this Section or has participated in a stormwater
20 management planning process may adopt a schedule of reasonable
21 fees applicable to all real property within the county which
22 benefits from the county's stormwater management facilities
23 and activities, and as may be necessary to mitigate the effects
24 of increased stormwater runoff resulting from development. The
25 total amount of the fees assessed must be specifically and
26 uniquely attributable to the actual costs of the county in the

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

1 the volume, temperature, velocity, and pollutant load of the
2 stormwater managed by the county, such as systems that
3 infiltrate, evapotranspire, or harvest stormwater for reuse,
4 known as "green infrastructure". In exercising this authority,
5 the county shall provide notice to the municipalities within
6 its jurisdiction of any fees proposed under this Section and
7 seek the input of each municipality with respect to the
8 calculation of the fees. The county shall also give property
9 owners at least 2 years' notice of the fee, during which time
10 the county shall provide education on green infrastructure
11 practices and an opportunity to take action to reduce or
12 eliminate the fee. All these fees collected by the county shall
13 be held in a separate fund, and shall be expended only in the
14 watershed within which they were collected. The county may
15 enter into intergovernmental agreements with other government
16 bodies for the joint administration of stormwater management
17 and the collection of the fees authorized in this Section.

18 A fee schedule authorized by this subsection must have the
19 same limit as the authorized stormwater tax. In Peoria County
20 only, the fee schedule shall not be adopted unless (i) a
21 referendum has been passed approving a stormwater tax as
22 provided in subsection (i) of this Section; or (ii) the
23 question of the adoption of a fee schedule with the same limit
24 as the authorized stormwater tax has been approved in a
25 referendum by a majority of those voting on the question.

26 (i) In the alternative to a fee imposed under subsection

1 (h), the county board may cause an annual tax of not to exceed
2 0.20% of the value, as equalized or assessed by the Department
3 of Revenue, of all taxable property in the county to be levied
4 upon all the taxable property in the county. The property tax
5 shall be in addition to all other taxes authorized by law to be
6 levied and collected in the county and shall be in addition to
7 the maximum tax rate authorized by law for general county
8 purposes. The 0.20% limitation provided in this Section may be
9 increased or decreased by referendum in accordance with the
10 provisions of Sections 18-120, 18-125, and 18-130 of the
11 Property Tax Code (35 ILCS 200/).

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

17 If at least part of the county has been declared by a
18 presidential proclamation after July 1, 1986 and before
19 December 31, 1987, to be a disaster area as a result of
20 flooding, the tax authorized by this subsection does not
21 require approval by referendum. However, in Peoria County, the
22 tax authorized by this subsection shall not be levied until the
23 question of its adoption, either for a specified period or
24 indefinitely, has been submitted to the electors thereof and
25 approved by a majority of those voting on the question. This
26 question may be submitted at any election held in the county

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

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

15 Votes shall be recorded as Yes or No.

16 The following question may be submitted at any election
17 held in the county after the adoption of a resolution by the
18 county board providing for the submission of the question to
19 the electors of the county to authorize adoption of a schedule
20 of fees applicable to all real property within the county:

21 Shall the county board be authorized to adopt a
22 schedule of fees, at a rate not exceeding that of the
23 stormwater management tax, applicable to all real property
24 for preparation, administration, and implementation of an
25 adopted stormwater management plan, construction and
26 maintenance of related facilities, and management of the

1 runoff from the property?

2 Votes shall be recorded as Yes or No.

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

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

18 (k) Upon the creation and implementation of a county
19 stormwater management plan, the county may petition the circuit
20 court to dissolve any or all drainage districts created
21 pursuant to the Illinois Drainage Code or predecessor Acts
22 which are located entirely within the area of the county
23 covered by the plan.

24 However, any active drainage district implementing a plan
25 that is consistent with and at least as stringent as the county
26 stormwater management plan may petition the stormwater

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

21 The dissolution of any drainage district shall not affect
22 the obligation of any bonds issued or contracts entered into by
23 the district nor invalidate the levy, extension or collection
24 of any taxes or special assessments upon the property in the
25 former drainage district. All property and obligations of the
26 former drainage district shall be assumed and managed by the

1 county, and the debts of the former drainage district shall be
2 discharged as soon as practicable.

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

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

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

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

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

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

25 (p) The powers authorized by this Section may be
26 implemented by the county board for a portion of the county

1 subject to similar stormwater management needs.

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

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

13 (s) 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. 98-335, eff. 8-13-13; 98-756, eff. 7-16-14.)