

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 and 5-1062.2 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 Northeastern Illinois Planning Commission, and references  
12 to "county" in this Section shall apply only to those counties.  
13 This Section shall not apply to any county with a population in  
14 excess of 1,500,000, except as provided in subsection (c). The  
15 purpose of this Section shall be achieved by:

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

18 (2) setting minimum standards for floodplain and  
19 stormwater management; and

20 (3) preparing a countywide plan for the management of  
21 stormwater runoff, including the management of natural and  
22 man-made drainageways. The countywide plan may incorporate  
23 watershed plans.

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

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

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

9 The principal duties of the committee shall be to develop a  
10 stormwater management plan for presentation to and approval by  
11 the county board, and to direct the plan's implementation and  
12 revision. The committee may retain engineering, legal and  
13 financial advisors and inspection personnel. The committee  
14 shall meet at least quarterly and shall hold at least one  
15 public meeting during the preparation of the plan and prior to  
16 its submittal to the county board.

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

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

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

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

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

24 (f) The county board may prescribe by ordinance reasonable  
25 rules and regulations for floodplain management and for  
26 governing the location, width, course and release rate of all

1 stormwater runoff channels, streams and basins in the county,  
2 in accordance with the adopted stormwater management plan.  
3 These rules and regulations shall, at a minimum, meet the  
4 standards for floodplain management established by the Office  
5 of Water Resources and the requirements of the Federal  
6 Emergency Management Agency for participation in the National  
7 Flood Insurance Program.

8 (g) For the purposes of implementing this Section and for  
9 the development, design, planning, construction, operation,  
10 and maintenance of stormwater facilities provided for in ~~In~~  
11 accordance with, and if recommended in, the adopted stormwater  
12 management plan, a the county board that has established a  
13 stormwater management planning committee pursuant to this  
14 Section or has participated in a stormwater management planning  
15 process may adopt a schedule of fees applicable to all real  
16 property within the county which benefits from the county's  
17 stormwater management facilities and activities, and as may be  
18 necessary to mitigate the effects of increased stormwater  
19 runoff resulting from new development and redevelopment. The  
20 total amount of the fees assessed must bear a reasonable  
21 relationship to the actual costs of the county in the  
22 preparation, administration, and implementation of the ~~shall~~  
23 not exceed the cost of satisfying the onsite stormwater  
24 retention or detention requirements of the adopted stormwater  
25 management plan, construction and maintenance of related  
26 facilities, and management of the runoff from the property. The

1 individual fees must bear a reasonable relationship to the  
2 portion of the cost to the county of managing the runoff from  
3 the property. The fees shall be used to finance activities  
4 undertaken by the county or its included municipalities to  
5 mitigate the effects of urban stormwater runoff by providing  
6 and maintaining ~~regional~~ stormwater collection, retention, or  
7 detention, and treatment facilities and improving water bodies  
8 impacted by stormwater runoff, as identified in the county  
9 plan. In establishing, maintaining, or replacing the  
10 facilities, the county shall not duplicate facilities operated  
11 by other governmental bodies within its corporate boundaries.  
12 The schedule of fees established by the county board shall  
13 include a procedure for a full or partial fee waiver for  
14 property owners who have taken actions or put in place  
15 facilities that reduce or eliminate the cost to the county of  
16 providing stormwater management services to their property,  
17 with a preference for facilities that reduce the volume,  
18 temperature, velocity, and pollutant load of the stormwater  
19 managed by the county, such as systems that infiltrate,  
20 evapotranspire, or harvest stormwater for reuse, known as  
21 "green infrastructure". The county board may also offer tax  
22 rebates or incentive payments to property owners who construct,  
23 maintain, and use approved green infrastructure stormwater  
24 management devices. In exercising this authority, the county  
25 shall give property owners at least 2 years' notice of the fee  
26 during which time the county shall provide education on green

1 infrastructure practices and an opportunity to take action to  
2 reduce or eliminate the fee. All such fees collected by the  
3 county shall be held in a separate fund, and shall be expended  
4 only in the watershed within which they were collected. The  
5 county may enter into intergovernmental agreements with other  
6 government bodies for the joint administration of stormwater  
7 management and the collection of the fees authorized in this  
8 Section.

9 A fee schedule authorized by this subsection must have the  
10 same limit as the authorized stormwater tax and shall not be  
11 adopted unless (i) at least part of the county has been  
12 declared by a presidential proclamation after July 1, 1986 and  
13 before December 31, 1987, to be a disaster area as a result of  
14 flooding; (ii) a referendum has been passed approving a  
15 stormwater tax as provided in subsection (h) of this Section;  
16 or (iii) the question of the adoption of a fee schedule with  
17 the same limit as the authorized stormwater tax has been  
18 approved in a referendum by a majority of those voting on the  
19 question.

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



1 assessed by the Department of Revenue, of all taxable property  
2 in the county to be levied upon all the taxable property in the  
3 county. The tax shall be in addition to all other taxes  
4 authorized by law to be levied and collected in the county and  
5 shall be in addition to the maximum tax rate authorized by law  
6 for general county purposes. The 0.20% limitation provided in  
7 this Section may be increased or decreased by referendum in  
8 accordance with the provisions of Sections 18-120, 18-125, and  
9 18-130 of the Property Tax Code.

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

15 If a county adopts a fee schedule it may not also levy a  
16 tax under this subsection, except that if the county has  
17 existing debt repayments to make, the remainder of that debt  
18 may be paid with proceeds from a tax imposed for stormwater  
19 management purposes.

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

12 -----  
 13           Shall an annual tax be levied  
 14 for stormwater management purposes   YES  
 15 (for a period of not more than  
 16 ..... years) at a rate not exceeding -----  
 17 .....% of the equalized assessed  
 18 value of the taxable property of   NO  
 19 ..... County?  
 20 -----

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 (i) Upon the creation and implementation of a county  
9 stormwater management plan, the county may petition the circuit  
10 court to dissolve any or all drainage districts created  
11 pursuant to the Illinois Drainage Code or predecessor Acts  
12 which are located entirely within the area of the county  
13 covered by the plan.

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

1 oral and written evidence. The committee shall render its  
2 decision upon the petition for exception from dissolution based  
3 upon the best interests of the residents of the district. In  
4 the event that the exception is not allowed, the district may  
5 file a petition within 30 days of the decision with the circuit  
6 court. In that case, the notice and hearing requirements for  
7 the court shall be the same as herein provided for the  
8 committee. The court shall likewise render its decision of  
9 whether to dissolve the district based upon the best interests  
10 of residents of the district.

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

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

1 portion of the value of the taxable property of the drainage  
2 district which is located within the area being disconnected.

3 The operations of any drainage district that continues to  
4 exist in a county that has adopted a stormwater management plan  
5 in accordance with this Section shall be in accordance with the  
6 adopted plan.

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

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

22 (l) A county may issue general obligation bonds for  
23 implementing any stormwater plan adopted under this Section in  
24 the manner prescribed in Section 5-1012; except that the  
25 referendum requirement of Section 5-1012 shall not apply to  
26 bonds issued pursuant to this Section on which the principal

1 and interest are to be paid entirely out of funds generated by  
2 the taxes and fees authorized by this Section.

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

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

11 (o) Pursuant to paragraphs (g) and (i) of Section 6 of  
12 Article VII of the Illinois Constitution, this Section  
13 specifically denies and limits the exercise of any power which  
14 is inconsistent herewith by home rule units in any county with  
15 a population of less than 1,500,000 in the area served by the  
16 Northeastern Illinois Planning Commission. This Section does  
17 not prohibit the concurrent exercise of powers consistent  
18 herewith.

19 (Source: P.A. 88-670, eff. 12-2-94; 89-445, eff. 2-7-96.)

20 (55 ILCS 5/5-1062.2)

21 Sec. 5-1062.2. Stormwater management.

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

1 and references to "county" in this Section apply only to those  
2 counties, except that the counties of Champaign, Macon, McLean,  
3 Peoria, Rock Island, Sangamon, Tazewell, Vermilion, and  
4 Winnebago are authorized to adopt a schedule of fees as  
5 outlined in subsection (h) of this Section. This Section does  
6 not apply to any other counties in the State, including those  
7 located in the area served by the Northeastern Illinois  
8 Planning Commission that are granted authorities in Section  
9 5-1062. The purpose of this Section shall be achieved by:

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

12 (2) Setting minimum standards for floodplain and  
13 stormwater management.

14 (3) Preparing a countywide plan for the management of  
15 stormwater runoff, including the management of natural and  
16 man-made drainageways. The countywide plan may incorporate  
17 watershed plans.

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, and such other  
22 members as may be determined by the county and municipal  
23 members. If the county has more than 6 county board districts,  
24 however, the county board may by ordinance divide the county  
25 into not less than 6 areas of approximately equal population,  
26 to be used instead of county board districts for the purpose of

1 determining representation on the stormwater management  
2 planning committee.

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

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



1 stormwater management plan for presentation to and approval by  
2 the county board, and to direct the plan's implementation and  
3 revision. The committee may retain engineering, legal, and  
4 financial advisors and inspection personnel. The committee  
5 shall meet at least quarterly and shall hold at least one  
6 public meeting during the preparation of the plan and prior to  
7 its submittal to the county board. The committee may make  
8 grants to units of local government that have adopted an  
9 ordinance requiring actions consistent with the stormwater  
10 management plan and to landowners for the purposes of  
11 stormwater management, including special projects; use of the  
12 grant money must be consistent with the stormwater management  
13 plan.

14 The committee shall not have or exercise any power of  
15 eminent domain.

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

26 (d) The stormwater management committee may not enforce any

1 rules or regulations that would interfere with (i) any power  
2 granted by the Illinois Drainage Code (70 ILCS 605/) to  
3 operate, construct, maintain, or improve drainage systems or  
4 (ii) the ability to operate, maintain, or improve the drainage  
5 systems used on or by land or a facility used for production  
6 agriculture purposes, as defined in the Use Tax Act (35 ILCS  
7 105/), except newly constructed buildings and newly installed  
8 impervious paved surfaces. Disputes regarding an exception  
9 shall be determined by a mutually agreed upon arbitrator paid  
10 by the disputing party or parties.

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

26 (f) Prior to recommending the plan to the county board, the

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

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

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

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

1 Environmental Protection Act.

2 (h) For the purpose of implementing this Section and for  
3 the development, design, planning, construction, operation,  
4 and maintenance of stormwater facilities provided for in ~~In~~  
5 ~~accordance with, and if recommended in,~~ the adopted stormwater  
6 management plan, a ~~the~~ county board that has established a  
7 stormwater management planning committee pursuant to this  
8 Section or has participated in a stormwater management planning  
9 process may adopt a schedule of fees applicable to all real  
10 property within the county which receives benefit from the  
11 county's stormwater management facilities and activities, and  
12 as may be necessary to mitigate the effects of increased  
13 stormwater runoff resulting from new development and  
14 redevelopment based on actual costs. The total amount of the  
15 fees assessed must bear a reasonable relationship to the actual  
16 costs of the county in the preparation, administration, and  
17 implementation of the ~~shall not exceed the cost of satisfying~~  
18 ~~the onsite stormwater retention or detention requirements of~~  
19 ~~the~~ adopted stormwater management plan, construction and  
20 maintenance of related facilities, and management of the runoff  
21 from the property. The individual fees must bear a reasonable  
22 relationship to the portion of the cost to the county of  
23 managing the runoff from the property. The fees shall be used  
24 to finance activities undertaken by the county or its included  
25 municipalities to mitigate the effects of urban stormwater  
26 runoff by providing and maintaining ~~regional~~ stormwater

1 collection, retention, ~~or~~ detention, and treatment facilities  
2 and improving water bodies impacted by stormwater runoff, as  
3 identified in the county plan. In establishing, maintaining, or  
4 replacing such facilities, the county shall not duplicate  
5 facilities operated by other governmental bodies within its  
6 corporate boundaries. The schedule of fees established by the  
7 county board shall include a procedure for a full or partial  
8 fee waiver for property owners who have taken actions or put in  
9 place facilities that reduce or eliminate the cost to the  
10 county of providing stormwater management services to their  
11 property, with a preference for facilities that reduce the  
12 volume, temperature, velocity, and pollutant load of the  
13 stormwater managed by the county, such as systems that  
14 infiltrate, evapotranspirate, or harvest stormwater for reuse,  
15 known as "green infrastructure". The county board may also  
16 offer tax rebates or incentive payments to property owners who  
17 construct, maintain, and use approved green infrastructure  
18 stormwater management devices. In exercising this authority,  
19 the county shall give property owners at least 2 years' notice  
20 of the fee during which time the county shall provide education  
21 on green infrastructure practices and an opportunity to take  
22 action to reduce or eliminate the fee. ~~The county board shall~~  
23 ~~provide for a credit or reduction in fees for any onsite~~  
24 ~~retention, detention, drainage district assessments, or other~~  
25 ~~similar stormwater facility that the developer is required to~~  
26 ~~construct consistent with the stormwater management ordinance.~~

1 All these fees collected by the county shall be held in a  
2 separate fund, and shall be expended only in the watershed  
3 within which they were collected. The county may enter into  
4 intergovernmental agreements with other government bodies for  
5 the joint administration of stormwater management and the  
6 collection of the fees authorized in this Section.

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

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

1 county purposes. The 0.20% limitation provided in this Section  
2 may be increased or decreased by referendum in accordance with  
3 the provisions of Sections 18-120, 18-125, and 18-130 of the  
4 Property Tax Code (35 ILCS 200/).

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

10 If a county adopts a fee schedule it may not also levy a  
11 tax under this subsection, except that if that county has  
12 existing debt repayments to make, the remainder of that debt  
13 may be paid with proceeds from a tax imposed for stormwater  
14 management purposes.

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



1 thereafter be levied in the county for the specified period or  
2 indefinitely, as provided in the proposition. The question  
3 shall be put in substantially the following form:

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

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

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

17           Votes shall be recorded as Yes or No.

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

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

1 adopted stormwater management plan, construction and  
2 maintenance of related facilities, and management of the  
3 runoff from the property?

4 Votes shall be recorded as Yes or No.

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

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

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

26 (n) The powers authorized by this Section may be

1 implemented by the county board for a portion of the county  
2 subject to similar stormwater management needs.

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

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

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.