



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4748**

by Rep. Mike Fortner

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Counties Code. Changes the application of specified provisions concerning stormwater management in the area served by the Northeastern Illinois Planning Commission to those located in the area served by the Chicago Metropolitan Agency for Planning. Authorizes counties containing all or a part of an urbanized area (rather than only 9 specified counties) to adopt stormwater management plans by referendum. Requires a county to adopt and enforce a floodplain management ordinance or a stormwater management ordinance that has been approved by the Office of Water Resources of the Department of Natural Resources and designate a Certified Floodplain Manager before the county may submit a referendum question to the electors for an annual tax. Prohibits a county from levying the tax if they are not in full compliance with specified provisions. Provides for specified special districts to be represented on the stormwater management planning committee in specified counties. Provides that a county's minimum standards for floodplain and stormwater management should have an emphasis on the use of cost-effective solutions to flooding problems. Provides that the stormwater management plans shall evaluate flooding problems caused by urban flooding. Defines "urban flooding". Provides that a stormwater management planning committee may make grants to units of local government, not-for-profit organization, and landowners under specified conditions. Provides that a municipality receiving grant moneys must have adopted an ordinance requiring actions consistent with the stormwater management plan. Makes other changes. Makes similar changes to provisions regarding DuPage and Peoria counties.

LRB100 19076 AWJ 34333 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

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.)

1 INDEX

2 Statutes amended in order of appearance

3 55 ILCS 5/5-1062 from Ch. 34, par. 5-1062

4 55 ILCS 5/5-1062.2

5 55 ILCS 5/5-1062.3