



Rep. Mike Fortner

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LRB097 10901 KMW 53673 a

1 AMENDMENT TO HOUSE BILL 3372

2 AMENDMENT NO. _____. Amend House Bill 3372, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)

8 Sec. 5-1062. Stormwater management.

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

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

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

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

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

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

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

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

25 (c) In the preparation of a stormwater management plan, a
26 county stormwater management planning committee shall

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

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

25 (e) Prior to recommending the plan to the county board, the
26 stormwater management planning committee shall hold at least

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

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

1 committee, or are opposed by resolution of the corporate
2 authorities of an affected municipality having a municipal
3 stormwater management plan, amendment of the plan shall require
4 an affirmative vote of at least two-thirds of the county board
5 members present and voting.

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

16 (g) For the purposes of implementing this Section and for
17 the development, design, planning, construction, operation,
18 and maintenance of stormwater facilities provided for in ~~In~~
19 accordance with, and if recommended in, the adopted stormwater
20 management plan, a the county board that has established a
21 stormwater management planning committee pursuant to this
22 Section or has participated in a stormwater management planning
23 process may adopt a schedule of fees applicable to all real
24 property within the county which benefits from the county's
25 stormwater management facilities and activities, and as may be
26 necessary to mitigate the effects of increased stormwater

1 runoff resulting from new development and redevelopment. The
2 total amount of the fees assessed must bear a reasonable
3 relationship to the actual costs of the county in the
4 preparation, administration, and implementation of the ~~shall~~
5 ~~not exceed the cost of satisfying the onsite stormwater~~
6 ~~retention or detention requirements of the adopted stormwater~~
7 management plan, construction and maintenance of related
8 facilities, and management of the runoff from the property. The
9 individual fees must bear a reasonable relationship to the
10 portion of the cost to the county of managing the runoff from
11 the property. The fees shall be used to finance activities
12 undertaken by the county or its included municipalities to
13 mitigate the effects of urban stormwater runoff by providing
14 and maintaining ~~regional~~ stormwater collection, retention, ~~or~~
15 detention, and treatment facilities and improving water bodies
16 impacted by stormwater runoff, as identified in the county
17 plan. In establishing, maintaining, or replacing the
18 facilities, the county shall not duplicate facilities operated
19 by other governmental bodies within its corporate boundaries.
20 The schedule of fees established by the county board shall
21 include a procedure for a full or partial fee waiver for
22 property owners who have taken actions or put in place
23 facilities that reduce or eliminate the cost to the county of
24 providing stormwater management services to their property,
25 with a preference for facilities that reduce the volume,
26 temperature, velocity, and pollutant load of the stormwater

1 managed by the county, such as systems that infiltrate,
2 evapotranspire, or harvest stormwater for reuse, known as
3 "green infrastructure." The county board may also offer tax
4 rebates or incentive payments to property owners who construct,
5 maintain, and use approved green infrastructure stormwater
6 management devices. In exercising this authority, the county
7 shall give property owners at least 2 years' notice of the fee
8 during which time the county shall provide education on green
9 infrastructure practices and an opportunity to take action to
10 reduce or eliminate the fee. All such fees collected by the
11 county shall be held in a separate fund, and shall be expended
12 only in the watershed within which they were collected. The
13 county may enter into intergovernmental agreements with other
14 government bodies for the joint administration of stormwater
15 management and the collection of the fees authorized in this
16 Section.

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

1 question.

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

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

23 If a county adopts a fee schedule it may not also levy a
24 tax under this subsection, except that if the county has
25 existing debt repayments to make, the remainder of that debt
26 may be paid with proceeds from a tax imposed for stormwater

1 management purposes.

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

20 -----

21 Shall an annual tax be levied
22 for stormwater management purposes YES
23 (for a period of not more than
24 years) at a rate not exceeding -----
25% of the equalized assessed
26 value of the taxable property of NO

1 County?

2 -----

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

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

15 Votes shall be recorded as Yes or No.

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

22 However, any active drainage district implementing a plan
23 that is consistent with and at least as stringent as the county
24 stormwater management plan may petition the stormwater
25 management planning committee for exception from dissolution.
26 Upon filing of the petition, the committee shall set a date for

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

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

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

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

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

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

1 that is consistent with and at least as stringent as the county
2 plan and ordinance, and is being enforced by the municipal
3 authorities.

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

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

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

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

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

2 (55 ILCS 5/5-1062.2)

3 Sec. 5-1062.2. Stormwater management.

4 (a) The purpose of this Section is to allow management and
5 mitigation of the effects of urbanization on stormwater
6 drainage in the metropolitan counties of Madison, St. Clair,
7 Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and Boone
8 and references to "county" in this Section apply only to those
9 counties, except that the counties of Champaign, Macon, McLean,
10 Peoria, Rock Island, Sangamon, Tazewell, Vermilion, and
11 Winnebago are authorized to adopt a schedule of fees as
12 outlined in subsection (h) of this Section. This Section does
13 not apply to any other counties in the State, including those
14 located in the area served by the Northeastern Illinois
15 Planning Commission that are granted authorities in Section
16 5-1062. The purpose of 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.

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

25 (b) A stormwater management planning committee may be

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

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

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

8 The principal duties of the committee shall be to develop a
9 stormwater management plan for presentation to and approval by
10 the county board, and to direct the plan's implementation and
11 revision. The committee may retain engineering, legal, and
12 financial advisors and inspection personnel. The committee
13 shall meet at least quarterly and shall hold at least one
14 public meeting during the preparation of the plan and prior to
15 its submittal to the county board. The committee may make
16 grants to units of local government that have adopted an
17 ordinance requiring actions consistent with the stormwater
18 management plan and to landowners for the purposes of
19 stormwater management, including special projects; use of the
20 grant money must be consistent with the stormwater management
21 plan.

22 The committee shall not have or exercise any power of
23 eminent domain.

24 (c) In the preparation of a stormwater management plan, a
25 county stormwater management planning committee shall
26 coordinate the planning process with each adjoining county to

1 ensure that recommended stormwater projects will have no
2 significant impact on the levels or flows of stormwaters in
3 inter-county watersheds or on the capacity of existing and
4 planned stormwater retention facilities. An adopted stormwater
5 management plan shall identify steps taken by the county to
6 coordinate the development of plan recommendations with
7 adjoining counties.

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

19 (e) Before the stormwater management planning committee
20 recommends to the county board a stormwater management plan for
21 the county or a portion thereof, it shall submit the plan to
22 the Office of Water Resources of the Department of Natural
23 Resources for review and recommendations. The Office, in
24 reviewing the plan, shall consider such factors as impacts on
25 the levels or flows in rivers and streams and the cumulative
26 effects of stormwater discharges on flood levels. The Office of

1 Water Resources shall determine whether the plan or ordinances
2 enacted to implement the plan complies with the requirements of
3 subsection (f). Within a period not to exceed 60 days, the
4 review comments and recommendations shall be submitted to the
5 stormwater management planning committee for consideration.
6 Any amendments to the plan shall be submitted to the Office for
7 review.

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

25 The county board may enact the proposed plan by ordinance.
26 If the proposals for modification of the plan made by an

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

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

1 district. These rules and regulations shall, at a minimum, meet
2 the standards for floodplain management established by the
3 Office of Water Resources and the requirements of the Federal
4 Emergency Management Agency for participation in the National
5 Flood Insurance Program. The Commission may not impose more
6 stringent regulations regarding water quality on entities
7 discharging in accordance with a valid National Pollution
8 Discharge Elimination System permit issued under the
9 Environmental Protection Act.

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

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

1 the county shall give property owners at least 2 years' notice
2 of the fee during which time the county shall provide education
3 on green infrastructure practices and an opportunity to take
4 action to reduce or eliminate the fee. ~~The county board shall~~
5 ~~provide for a credit or reduction in fees for any onsite~~
6 ~~retention, detention, drainage district assessments, or other~~
7 ~~similar stormwater facility that the developer is required to~~
8 ~~construct consistent with the stormwater management ordinance.~~
9 All these fees collected by the county shall be held in a
10 separate fund, and shall be expended only in the watershed
11 within which they were collected. The county may enter into
12 intergovernmental agreements with other government bodies for
13 the joint administration of stormwater management and the
14 collection of the fees authorized in this Section.

15 A fee schedule authorized by this subsection must have the
16 same limit as the authorized stormwater tax and shall not be
17 adopted unless (i) a referendum has been passed approving a
18 stormwater tax as provided in subsection (i) of this Section;
19 or (ii) the question of the adoption of a fee schedule with the
20 same limit as the authorized stormwater tax has been approved
21 in a referendum by a majority of those voting on the question.

22 (i) In the alternative, the ~~For the purpose of implementing~~
23 ~~this Section and for the development, design, planning,~~
24 ~~construction, operation, and maintenance of stormwater~~
25 ~~facilities provided for in the stormwater management plan, a~~
26 county board ~~that has established a stormwater management~~

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

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

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

23 However, the tax authorized by this subsection shall not be
24 levied until the question of its adoption, either for a
25 specified period or indefinitely, has been submitted to the
26 electors thereof and approved by a majority of those voting on

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

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

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

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

25 Votes shall be recorded as Yes or No.

26 The following question may be submitted at any election

1 held in the county after the adoption of a resolution by the
2 county board providing for the submission of the question to
3 the electors of the county to authorize adoption of a schedule
4 of fees applicable to all real property within the county:

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

12 Votes shall be recorded as Yes or No.

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

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

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

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

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

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

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

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."