



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2195

Introduced 2/10/2011, by Sen. Toi W. Hutchinson

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1062

from Ch. 34, par. 5-1062

55 ILCS 5/5-1062.2

Amends the Counties Code. Provides that a county board in a metropolitan county located in the area served by the Northeastern Illinois Planning Commission, or Madison, St. Clair, Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, or Boone county, that has adopted a stormwater management plan may adopt a schedule of fees applicable to real property within the county that benefits from the county's stormwater management facilities and activities. Sets forth requirements and uses for the fees. Provides that the county shall give land owners at least 2 years' notice of the fee during which time the county shall provide education on green infrastructure practices and an opportunity to take action to reduce or eliminate the fee. Further provides that a fee waiver shall be included for property owners who have taken actions or put in place facilities that are approved by the county that reduce or eliminate the cost of managing runoff. Provides that the county may enter into intergovernmental agreements with other bodies of government for the joint administration of stormwater management and collection of the fees. Effective immediately.

LRB097 10210 KMW 50406 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

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

6 (55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)

7 Sec. 5-1062. Stormwater management.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (g) In accordance with ~~and if recommended in,~~ the adopted
9 stormwater management plan, the county board may adopt a
10 schedule of fees applicable to all real property within the
11 county which benefits from the county's stormwater management
12 facilities and activities, and as may be necessary to mitigate
13 the effects of increased stormwater runoff resulting from new
14 development and redevelopment. The total amount of the fees
15 assessed must bear a reasonable relationship to the actual
16 costs of the county in the preparation, administration, and
17 implementation of the ~~shall not exceed the cost of satisfying~~
18 ~~the onsite stormwater retention or detention requirements of~~
19 ~~the~~ adopted stormwater management plan, construction and
20 maintenance of related facilities, enforcement of any
21 ordinances adopted pursuant thereto, and management of the
22 runoff from the property. The individual fees must bear a
23 reasonable relationship to the portion of the cost to the
24 county of managing the runoff from the property. The fees shall
25 be used to finance activities undertaken by the county or its
26 included municipalities to mitigate the effects of urban

1 stormwater runoff by providing and maintaining regional
2 stormwater collection, retention, ~~or~~ detention, and treatment
3 facilities and improving water bodies impacted by stormwater
4 runoff, as identified in the county plan. In establishing,
5 maintaining, or replacing the facilities, the county shall not
6 duplicate facilities operated by other governmental bodies
7 within its corporate boundaries. The schedule of fees
8 established by the county board shall include a procedure for a
9 full or partial fee waiver for property owners who have taken
10 actions or put in place facilities that reduce or eliminate the
11 cost to the county of providing stormwater management services
12 to their property, with a preference for facilities that reduce
13 the volume, temperature, velocity, and pollutant load of the
14 stormwater managed by the county, such as systems that
15 infiltrate, evapotranspire, or harvest stormwater for reuse,
16 known as "green infrastructure." In exercising this authority,
17 the county shall give land owners at least 2 years' notice of
18 the fee during which time the county shall provide education on
19 green infrastructure practices and an opportunity to take
20 action to reduce or eliminate the fee. All such fees collected
21 by the county shall be held in a separate fund, and shall be
22 expended only in the watershed within which they were
23 collected. The county may enter into intergovernmental
24 agreements with other government bodies for the joint
25 administration of stormwater management and the collection of
26 the fees authorized in this Section.

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

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

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

1 covered by the plan.

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

25 The dissolution of any drainage district shall not affect
26 the obligation of any bonds issued or contracts entered into by

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

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

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

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

1 damages occasioned thereby.

2 (k) 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.

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

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

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

25 (o) Pursuant to paragraphs (g) and (i) of Section 6 of
26 Article VII of the Illinois Constitution, this Section

1 specifically denies and limits the exercise of any power which
2 is inconsistent herewith by home rule units in any county with
3 a population of less than 1,500,000 in the area served by the
4 Northeastern Illinois Planning Commission. This Section does
5 not prohibit the concurrent exercise of powers consistent
6 herewith.

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

8 (55 ILCS 5/5-1062.2)

9 Sec. 5-1062.2. Stormwater management.

10 (a) The purpose of this Section is to allow management and
11 mitigation of the effects of urbanization on stormwater
12 drainage in the metropolitan counties of Madison, St. Clair,
13 Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and Boone
14 and references to "county" in this Section apply only to those
15 counties, except that any county that is subject to the
16 Illinois General NPDES Permit No. ILR40 (stormwater permit), or
17 with one or more municipality partially or fully within its
18 borders that is subject to the permit, is authorized to adopt a
19 schedule of fees as outlined in subsection (h) of this Section.
20 This Section does not apply to any other counties in the State,
21 including those located in the area served by the Northeastern
22 Illinois Planning Commission that are granted authorities in
23 Section 5-1062. The purpose of this Section shall be achieved
24 by:

25 (1) Consolidating the existing stormwater management

1 framework into a united, countywide structure.

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

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

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

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

1 members, unless authorized to vote by the unanimous consent of
2 the municipal and county board representatives. A municipality
3 that is located in more than one county may choose, at the time
4 of formation of the stormwater management planning committee
5 and based on watershed boundaries, to participate in the
6 stormwater management planning program of either or both of the
7 counties. Subcommittees of the stormwater management planning
8 committee may be established to serve a portion of the county
9 or a 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 units of local government that have adopted an
25 ordinance requiring actions consistent with the stormwater
26 management plan and to landowners for the purposes of

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

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

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

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

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

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

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

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

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

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

18 (h) In accordance with, ~~and if recommended in,~~ the adopted
19 stormwater management plan, the county board may adopt a
20 schedule of fees applicable to all real property within the
21 county which receives benefit from the county's stormwater
22 management facilities and activities, and as may be necessary
23 to mitigate the effects of increased stormwater runoff
24 resulting from new development and redevelopment based on
25 actual costs. The total amount of the fees assessed must bear a
26 reasonable relationship to the actual costs of the county in

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

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

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 in accordance with the provisions of
5 Sections 18-120, 18-125, and 18-130 of the Property Tax Code
6 (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 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. The county board shall certify the
20 resolution and proposition to the proper election officials,
21 who shall submit the proposition at an election in accordance
22 with the general election law. If a majority of the votes cast
23 on the question is in favor of the levy of the tax, it may
24 thereafter be levied in the county for the specified period or
25 indefinitely, as provided in the proposition. The question
26 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 election held in the
6 county after the adoption of a resolution by the county board
7 providing for the submission of the question to the electors of
8 the county to authorize use and occupation taxes of 1/10 of one
9 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 (j) For those counties that adopt a property tax in
16 accordance with the provisions in this Section, the stormwater
17 management committee shall offer property tax abatements or
18 incentive payments to property owners who construct, maintain,
19 and use approved stormwater management devices. For those
20 counties that adopt use and occupation taxes in accordance with
21 the provisions of this Section, the stormwater management
22 committee may offer tax rebates or incentive payments to
23 property owners who construct, maintain, and use approved
24 stormwater management devices. The stormwater management
25 committee is authorized to offer credits to the property tax,
26 if applicable, based on authorized practices consistent with

1 the stormwater management plan and approved by the committee.
2 Expenses of staff of a stormwater management committee that are
3 expended on regulatory project review may be no more than 20%
4 of the annual budget of the committee, including funds raised
5 under subsections (h) and (i).

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

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

1 have no more than 60 days to review permits or the permits
2 shall be deemed approved.

3 (m) 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 does 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 (n) 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 (o) 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 (Source: P.A. 94-675, eff. 8-23-05.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.